

# Southern Inshore Fisheries and Conservation Authority

Pia Bateman – Chief Executive Officer



Unit 3 Holes Bay Park  
Sterte Avenue West  
Poole  
Dorset  
BH15 2AA

27<sup>th</sup> November 2024

Dear Member,

## **MEETING OF THE AUTHORITY**

A meeting of the Authority will be held at The RNLI College, West Quay Road, Poole, Dorset, BH15 1HZ on 5<sup>th</sup> December 2024 at **14:00** to discuss the business on the under mentioned Agenda.

Car parking at the RNLI college is limited on a pay and display basis. Additional parking is available in local pay and display car parks. Poole bus station and Poole Railway Station are a 5–10-minute walk from the venue

Members of the public can request to attend the meeting through emailing [enquiries@southern-ifca.gov.uk](mailto:enquiries@southern-ifca.gov.uk).

Yours sincerely,

Maria Chaplin, Office Manager  
[maria.chaplin@southern-ifca.gov.uk](mailto:maria.chaplin@southern-ifca.gov.uk)

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**13:30**

### **Committee Members Briefing (No.2).**

**To receive a 20 minute presentation from IFCOs on the key fisheries and conservation considerations in Christchurch Bay and Poole Bay.**

*(attendance optional)*

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**14:00**

## **AGENDA**

### **1. Apologies**

To receive apologies for absence.

### **2. Declaration of Interest**

All Members are to declare any interests in line with paragraphs (16) and (17) of the Southern IFCA Code of Conduct for Non-Council Members.

### **3. Minutes**

To confirm the Minutes of the meeting held on 19<sup>th</sup> September 2024 (Marked A).

- a. To receive a verbal update from the Chairman on **Recommendation 10**: That the Chairman write to Mr R Clark at AIFCA requesting an update regarding the outstanding 2024/25 Defra funding payment to Southern IFCA.

### **4. Chairman's Announcements**

To receive any updates from the Chairman.

## 5. Sub-Committees

To receive and note the Minutes of the following Sub-Committees and to consider the adoption of the recommendations contained therein:

- a) **Executive Committee** held on 17<sup>th</sup> September 2024 (Marked B).
- b) **Technical Advisory Committee** held on 22<sup>nd</sup> August 2024 (Marked C).

## 6. Progress Reports

To consider the following:

- a. **Chief Executive Officer updates.** *To receive a verbal report from the CEO.*
- b. **Budget Control Statement to September 2024.** *To consider a report from the CEO/Accountant (Marked D).*
- c. **FPV Vigilant Procurement Programme Completion.** *To consider a report from Principal DCO Dell.*
- d. **Reserves Policy, 2024 Update.** *To receive a report from the Accountant following ratification by the Executive Sub-Committee in March 2024 (Marked E).*

## ITEMS FOR DECISION

### 7. Budget Forecast 2025-2026

To consider a report from the CEO & Accountant (Marked F)

### 8. Levy Contributions 2025-2026

To consider a report from the CEO (Marked G)

### 9. Shore Gathering Byelaw and Fishing for Cockles (Amendment) Byelaw

To consider the submission of the above-named Byelaws to the MMO for confirmation by the Secretary of State. Report from DCO Birchenough and Senior IFCO Condie (Marked H)

## ITEMS FOR INFORMATION ONLY

**10. Compliance and Enforcement Report:** To receive a quarterly update from Principal DCO Dell (Marked I)

**11. Behind the Scenes:** To receive staff reports across the Research & Policy, Compliance & Enforcement and Business Services Teams (Marked J).

**12. Marine Licencing:** To receive a quarterly update from IFCO Churchouse (Marked K).

**13. J.-L. Solandt,, R Clark, S Coulthard, Delivering effective and equitably governed marine protected area networks in the UK: The role of Inshore Fisheries and Conservation Authorities, Marine Policy 171 (2025).** To note the journal publication with co-authorship from Rob Clark, Chief Officer AIFCA (Marked L).

**14. E Bean, J Lowther, M Williams, Inshore Fisheries and Conservation Authorities: Fisheries regulator or environmental backstop? The complexities of section 153 Marine & Coastal Access Act 2009,** Environmental Law Review 1-26 (2024). To note the journal publication as an output of the AIFCA Law Group (Marked M)

**15. Sector Group Meetings:** To receive the minutes from recent meetings of The South Coast Fishermen's Council (Marked N), and the Dorset, Hampshire and Isle of Wight Marine Conservation Group (Marked O)

**16. Date of Next Meeting:** To confirm the date of the next Authority meeting on the 13<sup>th</sup> March 2025 at The Best Western Royale Wessex Hotel, 32 High West Street, Dorchester DT1 1HF

# Southern Inshore Fisheries and Conservation Authority

Full Authority Meeting – 19<sup>th</sup> September 2024

A meeting of the Full Authority was held at 2pm on 19<sup>th</sup> September 2024 at Northwood House, Ward Avenue, Cowes, Isle of Wight PO31 8AZ.

Marked A

## Present

Cllr. Paul Fuller	Isle of Wight Council (Chairman)
Cllr. Rob Hughes	Dorset Council (Vice Chairman)
Cllr. Kate Wheller	Dorset Council
Cllr. Crispin Goodall	BCP Council
Cllr. John Savage	Southampton Council
Cllr. Matthew Winnington	Portsmouth County Council
Dr Antony Jensen	MMO Appointee
Mr Neil Hornby	MMO Appointee
Ms Louise MacCallum	MMO Appointee
Ms Elisabeth Bussey-Jones	MMO Appointee
Mr Gary Wordsworth	MMO Appointee
Mr James Morgan	MMO Appointee (Acting)
Dr Richard Morgan	Natural England
Ms Pia Bateman	Chief Executive Officer (CEO)
Mr Sam Dell	Principal Deputy Chief Officer (PDCO)
Dr Sarah Birchenough	Deputy Chief Officer (DCO)
Mrs Jennifer Carr	Chartered Accountant (Virtual)
Ms Maria Chaplin	Office Manager (OM)

## **Appointment of Sub-Committee Membership for 2024-2025 (Audit and Governance)**

1. Under general consent the Chairman appointed Cllr. R Hughes, Cllr. K Wheller, Cllr. Rod Cooper and Cllr. M Winnington to the Audit and Governance Sub-Committee.

### **Resolved**

- 1a** For three or more Council members to be appointed to the Audit and Governance Sub Committee for the year 2024-2025.

## **Appointment of Sub-Committee Membership for 2024-2025 (Executive)**

2. Under general consent the Chairman appointed Cllr. B Dunning and Cllr. C Goodall to the Executive Sub-Committee.

### **Resolved**

- 2a** For two or more Council members to be appointed to the Audit and Governance Sub Committee for the year 2024-2025.

## **Apologies**

3. Apologies for absence were received from Cllr. Pete Miles (BCP Council), Cllr. Barry Dunning (Hampshire), Cllr. Rod Cooper (Hampshire), Mr Stuart Kingston-Turner (Environment Agency), Mr Colin Francis (MMO Appointee), Mr Charlie Brock (MMO Appointee), Mr Richard Stride (MMO Appointee) and Dr Simon Cripps (MMO Appointee).

## **Declarations of Interest**

4. The following non-pecuniary interests were declared: Dr Richard Morgan (10).

## **Minutes**

5. Members considered and agreed the Minutes of the meeting held on the 13<sup>th</sup> June 2024.

## **Chairman's Announcements**

6. The Chairman discussed his attendance at the TAC meeting in August, finding it an interesting and insightful experience and informed Members that he will make it a regular attendance. The Chairman informed Members that he attended the AIFCA meeting with the CEO and the Vice Chairman.

The CEO informed Members that for each Local Authority a letter is sent at the end of financial year to inform the Council Leaders about Elected Member attendance, accompanied by the Annual Report to provide information on the work of Southern IFCA. Hampshire County Council have indicated they are keen to send Councillors to meetings, as of yet they have not attended.

## **Sub-Committees**

7. Members received signed minutes of the Executive Sub-Committee held on 11<sup>th</sup> June 2024 and the Technical Advisory Sub-Committee held on 9<sup>th</sup> May 2024.

## **PROGRESS REPORTS**

### **Chief Executive Officer updates**

8. The CEO discussed Ministerial changes under the new Government, namely the Rt Hon Steve Reed OBE MP as the Secretary of State for the Environment, Food and Rural Affairs and the Minister for State for Food, Farming and Fisheries, Daniel Zeichner, formally the shadow Minister for Defra from 2020 to 2024.

The CEO informed Members that the new Government will likely lead to changes in inshore fisheries and conservation management. There have been discussions regarding the increase in the Government's offshore wind budget and how this may relate to work in the inshore sector. The CEO outlined that there are early suggestions that any associated loss of biodiversity may result in a equitable spatial area being matched for conservation and biodiversity purposes, and that this may lead to complexity in the inshore area. The CEO outlined however that the geographic placement of any future wind farms and the intentional direction of the Government has not yet been defined, including whether they will be within 6nm. The CEO outlined that the IFCA remains arm's length at this point as the program is not yet impacting the inshore area or communities but updates will be provided to the Authority as this work progresses.

The CEO informed Members that a Private Members Bill, which was put forward to regulate and limit bottom trawling in MPAs had its first reading in the House of Lords in July. The CEO outlined that an update had been provided at the TAC on the proposed regulations being related to MPAs with the ability to confer power to the MMO and IFCA's. The CEO updated Members that following the second reading in the House of Lords in September, the Bill had been withdrawn.

The CEO discussed with Members the Environmental Improvement Plan, published in January 2023, building on the 25-year Environment Plan and key legal frameworks, of which relevant to Southern IFCA are the Environment Act 2021 and the Fisheries Act 2020. The EIP was described as a "comprehensive delivery plan" to halt and reverse the decline in nature in the UK via delivery of 10 goals, each with specific targets and commitments that contribute to legally binding targets set out under the Environment Act 2021.

The CEO discussed with Members that Southern IFCA had reprioritised work following the release of the EIP in 2023 to ensure that we were re-strategizing to deliver on deadlines for MPA work namely bottom towed fishing gear, shore gathering and black seabream management.

The CEO informed Members that the Labour Government launched a rapid review of the EIP which was to be completed by the end of the year. This followed the publication of a progress report on the EIP for 2023-2024 which captures terrestrial as well as marine, the latter linked to the work the MMO have done on management offshore MPAs. The report did not include information on the work that IFCAs are doing to help achieve Government objectives. The CEO advised Members that this has been raised at a national level with the Chief Officers Group and the AIFCA and the work that Southern IFCA has undertaken in this regard has been emphasised in the Southern IFCA Annual Report. The CEO outlined that the Annual Report aims to be explicit to demonstrate how, as a small organisation, Southern IFCA are making changes to support the Government's aspirations with regard to management in MPAs.

The CEO discussed that the Defra funding for the current financial year has yet to be received, noting that it is six months into the financial year. With regard to future funding, the current spending review window, SR21, ceases in 2025. The AIFCA on behalf of the IFCAs put together a funding bid to Defra, upon direction from Defra, to cover two years, 2025 which is already committed and 2026, the bid was submitted in August. Defra have advised that the next four years spending review will be split in two, 2025-2026 and 2026-2028, considered post the October budget. Mr R Clark, Chief Officer of the AIFCA will be speaking with Defra to clarify if there has been any changes in this timeline since August. The implication is that the funding that has been agreed for the current financial year may be reduced. An update will be provided to IFCAs following the AIFCA meeting with Defra on current and future funding, however it is expected that there may be a public sector reduction in funding.

The CEO provided an update relating to a staffing matter for a member of staff who walked off the job in April sighting constructive dismissal, an out of court settlement has been agreed, put forward by Southern IFCA for commercial purposes only and to avoid the need for lengthy proceedings and was not an admission of liability. The CEO informed Members that two new members of staff joining the Compliance and Enforcement Team in October. Both positions are to fill current vacancies. The CEO outlined that Mr S Kingston-Turner from the EA joined the interview panel which was beneficial due to his experience in compliance and enforcement and also a senior colleague from Devon and Severn IFCA.

The CEO, on behalf of the Chairman and the Chairman of the TAC, thanked Members who attended their appraisals and for the constructive input that was provided.

The CEO described a number of outputs from the Members Appraisals, to include Drop In Community sessions with the CEO and Chairman. This initiative is as a result of feedback from Members and will be across the district during a three to four month period where the wider community will be welcome to come and meet the CEO and Chairman on an informal basis. The aim is to increase visibility within the district and Members are also welcome to attend if they wish. The CEO discussed with Members the new Lunch time learning session which was trialled before this meeting and thanked both PDCO Dell and DCO Birchenough for putting the first session together. The running of these sessions came out of a suggestion through the Members appraisals, and will continue to run at the Authority Meetings. The CEO outlined that another suggestion which will be taken forward is to diarise Working Groups over a 12 month period and this will start from the implementation of the next year's strategy from 1<sup>st</sup> April 2025. Diversity in IFCA Membership was also discussed, the CEO informed Members that this has also been raised with the AIFCA and it is hoped that this will align with work the AIFCA is undertaking nationally. The CEO also outlined that the TAC meeting room be opened ahead of the meeting for Members to engage informally ahead of the meeting taking place if they wish.

Cllr Savage raised, in relation to new Government initiatives, the Solent Cluster Carbon Storage Scheme and related pipeline work which would take place in the western part of the Solent. The CEO outlined that the IFCA are a statutory body that responds to marine licencing and these type of works are consulted on with the IFCA through the marine licencing system, managed by

the MMO. The IFCA are aware of potential impacts from such works on the local industry and work with stakeholders to understand impacts when responding.

### **Budget Control Statement 2023-2024**

9. The CEO introduced the Budget Control Statement (BCS) up to 31st July 2024. The CEO discussed a deficit of income against budget of £97,000 at this stage of the financial year. The main reason for the deficit relates to the outstanding Defra funding. The CEO explained that the budget included £150,000 of Defra funding, since this time the funding has been decreased to £130,000.

The CEO outlined that the positive variance captured under the Compliance and Enforcement header of around £36,000, represents £10,000 of savings on Fisheries Protection Vessel fuel and maintenance costs, directly related to a delay in FPV Vigilant coming into service. She discussed an outstanding payment to be made of £10,000 related to access to a national intelligence system CLUE. This system is currently being utilised by the Compliance and Enforcement Team who are working with the MMO and other national bodies to centralise intelligence into a single system.

The positive variance captured under the Research and Policy header, of around £17,000, relates to survey work yet to be completed which is time timetabled for later in the year. No costs to date have been incurred to date for byelaw advertisement, however costs under this header are very imminent due to possible ratification of the Shore Gathering Byelaw package depending on the outcome of this meeting.

The CEO informed Members that SIFCA have completed the annual MSC audit for the Poole Harbour Clam and Cockle Fishery. There is a positive variance captured under Business Services of around £44,000 due to a reduction in staff salaries. This is attributed to one member of staff leaving in April, plus a member of staff who is currently on a 12-month sabbatical and is due back in January 2025.

The CEO informed Members that there is a positive variance in Capital Equipment of £21,000, reflecting the delay of FPV Vigilant coming into service. The budget also included an income of £50,000 related to the sale of Fisheries Protection Vessel Protector, which at some point will have to be replaced. The replacement of FPV Protector will begin to be explored at the end of 2024 beginning of 2025.

The Chairman stated that he acknowledged a previous suggestion that he writes to Mr R Clark at AIFCA, requesting the chasing up of the Defra funding, outlining the contractual commitments within SIFCA which relate to this funding and that without Defra funding Southern IFCA are required to use reserves. The Chairman asked Members for their agreement to write to Mr R Clark on this basis. All Members were in favour.

### **Recommendation**

10. That the Chairman write to Mr R Clark at AIFCA requesting an update regarding the outstanding 2024/25 Defra funding payment to Southern IFCA.

### **Marine Asset Review**

11. PDCO Dell informed Members that he is pleased to report FPV Vigilant was craned in at Portland on the 17<sup>th</sup> September and the sea trials are now underway. The Officers will continue to work through the vessel acceptance document for sea trials over the coming two weeks. The vessel acceptance document provides a structure for sea trials and involves five parts, firstly to cross check with the contractual specification to ensure the vessel is aligned to the signed contract of sale, followed by three main tests, designed around the requirements in the original

tender, this includes the Harbour Acceptance Test, Sea Acceptance Test and the Coding Acceptance Test, HAT, SAT and CAT. The 5<sup>th</sup> element of vessel acceptance is developing an agreed snagging list with Ribcraft which will include timeframes for resolving any issues, this is for any minor issues opposed to major ones, with the intention to resolve as much as possible during sea trials. Ribcraft are on hand for next two weeks for this purpose.

PDCO Dell outlined that, subject to the vessel acceptance document, it is the intention for the Authority to take ownership towards the end of September., The change of ownership requires a final stage payment which contractually is subject to satisfactory sea trials.

The Chairman referenced the information in the Annual Report about the filtering of microplastics within the engine and. asked PDCO Dell to provide an insight into this process.

PDCO Dell explained to members that the outboard engines on FPV Vigilant are unique, with Suzuki the only outboard manufacturers at this time to be installing a collection device as standard equipment on selected engines. The application of pulling micro plastics from the sea in relation to FPV Vigilant has yet to be seen but it is an exciting development.

The Chairman expressed his thanks to SIFCA for taking the lead on this positive response to the issue of microplastics and the hopeful benefit that will be realised by the use of this technology.

### **ITEMS FOR DECISION**

#### **Statement of Accounts for Year Ended 31<sup>st</sup> March 2024: Annual Return from PK Francis**

**12.** Mrs J Carr introduced the item, explaining that Members had previously received these papers in draft form at the June 2024 meeting, where it was resolved that they be sent to PK Francis for an Independent Assurance Review. This Review has now been completed and have provided sign off for the accounts and the annual return, there were minimal points raised and there have been no changes to the numbers from the draft versions in July.

The Chairman proposed the recommendations, which were seconded by Cllr. R Hughes. All Members were in favour.

#### **Resolved**

**12a** That Members note the outcomes of the external audit for the financial year ended 31st March 2024.

**12b** That Members formally accept the Statement of Accounts for the financial year April 2023 to March 2024, and that the document be signed by the Chairman, the CEO and the Accountant on behalf of the Authority.

#### **Shore Gathering Byelaw**

**13.** DCO Birchenough outlined to Members that Southern IFCA had committed to reviewing shore gathering in 2022. The Shore Gathering Review was one of the workstreams which was then further informed by the EIP 2023 and subsequently was redefined to focus on feature-based management within National Site Network Sites.

DCO Birchenough stated that through a series of Working Groups and TAC meetings, Members had considered and agreed a set of Management Principles to underpin the development of measures and draft measures based on these Principles in the form of a byelaw for shore gathering and a code of conduct for seaweed harvesting. In reviewing the draft measures Members had also considered the outcomes of conservation assessments outlining how proposed measures would mitigate against any adverse impact on SACs or SPAs and would allow the IFCA to meet the Conservation Objectives of MCZs.

DCO Birchenough informed Members that at the TAC meeting in August, Members had provided comment on a final draft of the Shore Gathering Byelaw and the Seaweed Harvesting Code of Conduct. DCO Birchenough outlined that the final Byelaw and Code of Conduct reviewed in August incorporated updates made since the May TAC based on comments made by Natural England at the meeting and also following the receipt of Formal Advice from Natural England on the Conservation Assessment Package underpinning the measures. Members of the TAC had also considered the Fishing for Cockles (Amendment) Byelaw which was developed due to the necessity to remove provisions from the existing Fishing for Cockles Byelaw which related to hand picking to avoid duplication of regulations. DCO Birchenough outlined that provisions relating to dredge fishing had also been removed as there is specific management in place for both cockle fisheries in the District under separate legislation. However, there was a need to maintain provisions relating to MCRS and the cockle fishing season.

Members of the TAC at the August meeting recommended that the Authority and the Secretary of State be formally notified of the intention to Make both the Shore Gathering Byelaw and the Fishing for Cockles (Amendment) Byelaw. DCO Birchenough outlined that the appropriate notification process had been followed ahead of this meeting in line with Defra's IFCA Byelaw Guidance.

DCO Birchenough explained to Members that the rationale behind the proposed measures is to ensure that the IFCA can meet its legal duties with respect to protection of National Site Network sites from the potential impacts of shore gathering activities. DCO Birchenough outlined that the activities in question included shellfish gathering, bait collection, push netting, mechanical harvesting by hand, crab tiling and seaweed harvesting. DCO Birchenough informed Members that the Shore Gathering Byelaw, accompanied by the Seaweed Harvesting Code of Conduct and the Fishing for Cockles (Amendment) Byelaw, provided relevant, consistent and feature-based management which allows Southern IFCA to meet those legal duties.

The provisions in the Shore Gathering Byelaw were outlined, namely the creation of a series of prohibited areas for all activities which are defined as either year-round, summer closure areas (1st March to 31st August) or winter closure areas (1st November to 31st March). The definition of the activity has been carefully considered in order to not unintentionally include other activities where persons may be using hand operated equipment for non-fishing purposes but to be fully aligned to the Southern IFCA remit.

It was outlined that the Shore Gathering Byelaw spatial management is down to the 2m contour, which is consistent across the district and is appropriate given the types of activities being considered and their potential reach on the shore. This also allows for management of activities such as push netting which do occur in shallow water. The combination of permanent closure areas, summer closure areas and winter closure areas up to the 2m contour covers 24.2% of SPAs, 32.4% of SACs and 16.1% of MCZs, noting that some designations overlap and therefore the same area of closure will be applicable across more than one designated site in some cases.

It was outlined that there are some exemptions detailed in the Shore Gathering Byelaw, relating to the use of vessels and certain types of equipment, for example rod and line fishing. The Shore Gathering Byelaw will require the revocation of five existing Southern IFCA byelaws, DCO Birchenough explained that this will allow shore gathering management to be encompassed in a single measure which will aid stakeholders in understanding relevant regulations.

The Seaweed Harvesting Code of Conduct was determined to be required as an additional non-regulatory measure reflecting the current low levels of seaweed harvesting currently occurring in the district and therefore a determination that no further regulation for this activity was required outside the spatial areas defined in the Shore Gathering Byelaw. It was outlined that the CoC mirrors a Natural England CoC to ensure that appropriate provisions were included. The intention is to launch the CoC alongside the Byelaws at the point they are ratified by the Secretary of State.

Members were informed of the supporting documents which accompany the Byelaws, including an Impact Assessment which considers the potential costs and benefits of implementing the legislation. The cost relates specifically to the Shore Gathering Byelaw due to the introduction of new management and was informed by a targeted engagement exercise with key stakeholders. The maximum average annual cost to the shore gathering industry was calculated at £77,609. Members were informed that this is based on the upper cost estimates and on the basis of activity taking place every day which is known not to be the case, therefore the cost is a likely overestimate but does represent the highest end of the potential impact.

The supporting documents also includes a Conservation Assessment Package, accompanied by a Site Specific Evidence Document and a Literature Review. The TAC had previously reviewed Natural England's Formal Advice on this package and agreed a response table which was drafted indicating how the IFCA were considering each point raised by NE and any changes required. It was determined that only one change to management was required, which has been incorporated into the final Shore Gathering Byelaw, an slight extension to the closure area in The Fleet to align with management areas for bird disturbance.

DCO Birchenough outlined that should the Authority resolve to Make the two Byelaws, then the Authority will give notice of the intention to confirm these Byelaws by advertising them for two consecutive weeks in a number of publications. This includes the Fishing News and three local papers, the Southern Daily Echo, the Dorset Echo and the Isle of Wight County Press. There will then be a 28-day period of Formal Consultation during which stakeholders have the opportunity to make representations either in support or objection of the Byelaws. The IFCA will then respond to any representations, with, for objections, the aim of resolving that objection.

DCO Birchenough informed Members that the TAC will consider the summary of outcomes from the Formal Consultation prior to a full review by the Executive Sub-Committee who will make a recommendation to the Authority in December as to whether to submit the Byelaw to the MMO for Quality Assurance. Once the MMO are satisfied, the Byelaws are submitted to Defra for consideration by the Secretary of State.

Ms E Bussey-Jones asked for clarification on the three types of prohibited area and whether they overlap at all, if they do not the percentage quoted for the total area covered does not equal the total of the percentages for each type of area. DCO Birchenough confirmed that there is no overlap between different types of prohibited area and stated she would check the numbers that had been provided in relation to percentage coverage and update Members at a subsequent meeting.

Dr R Morgan commented that the response from Southern IFCA on how the points raised by NE through Formal Advice had been addressed was welcomed. NE also welcomed the extension to the management in The Fleet. Dr R Morgan stated that there were a couple of areas where NE would wish to see protections furthered, however NE recognized that there is a significant improvement on existing management and therefore NE are supportive of the Byelaws whilst maintaining the recommendations made through Formal Advice.

Dr R Morgan proposed the recommendations, which were seconded by Dr A Jensen. All Members were in favour.

## **Resolved**

- 13a.** That the Authority proceeds to make the Shore Gathering Byelaw
- 13b.** That the Authority proceeds to make the Fishing for Cockles (Amendment) Byelaw
- 13c.** That both Byelaws are advertised in accordance with IFCA Byelaw Guidance from Defra
- 13d.** That the Authority agrees to implement the Seaweed Harvesting Code of Conduct in line with the ratification of the Byelaws

- 13e. That the TAC will consider outcomes of the Formal Consultation, prior to review by the Executive Sub-Committee, who, under delegated powers, are required to report with recommendations to the Authority following the making of statutory interventions, prior to MMO quality assurance and an application to the Secretary of State to confirm the Byelaws.

### **Draft Annual Report 2023-2024**

14. The CEO described the legal requirement for Southern IFCA to submit an Annual Report to Defra in accordance with the provisions under the Marine and Coastal Access Act 2009. The document correlates to the extensive work that has been undertaken by Southern IFCA over the last 12 months. The CEO provided a brief overview of the report and thanked staff, Members and the wider community for their contributions.

Dr A Jensen commented that the Annual Report was very comprehensive and reflected a large volume of work completed during the year. Mr G Wordsworth commented that the Annual Report was valuable in representing the work of Southern IFCA to the wider political sphere which was echoed by the Chairman.

Cllr. R Hughes proposed the recommendations, which were seconded by Dr A Jensen. All Members were in favour.

### **Resolved**

14a That Members consider and provide comment on the draft Annual Report

14b That Members approve the Annual Report for submission to the Secretary of State.

### **Guest Speaker**

#### **Seagrass Conservation and Restoration in a WILDER Solent**

15. Members received a presentation from Dr Tim Ferrero, Senior Specialist – Marine Conservation at the Hampshire and Isle of Wight Wildlife Trust (HIWWT) on seagrass conservation and restoration in the Solent including WILDER, the Trust's vision for wildlife conservation to 2030 which includes three goals looking at nature in recovery '30 by 30', 1 in 4 people taking action and nature as a solution. Dr Ferrero provided an overview of seagrass, the key benefits offered by the species, the pressures that seagrass habitats face and the intention to protect the seagrass which exists in the Solent and restore where the habitat has been lost. Dr Ferrero reviewed initiatives for protection and restoration including work by Southern IFCA in managing fishing activities and management by other authorities in the marine environment. Dr Ferrero outlined two restoration projects which are operating in the Solent, the Solent Seagrass Restoration Project and the ELSP Solent Seascape Project and the methods employed to work towards restoration, working with academic institutions and commercial companies. More information can be found at [www.hiwwt.org.uk](http://www.hiwwt.org.uk).

### **ITEMS FOR INFORMATION ONLY**

#### **Compliance and Enforcement Report**

16. PDCO Dell thanked Members for their comments relating to the media release sent to them on the 10<sup>th</sup> September, related to a court case heard at Poole Magistrates on the 4<sup>th</sup> September, in which a fisherman from Poole pleaded guilty to retaining a quantity of Manila clams below the minimum conservation reference size, and failing to submit monthly catch returns within stipulated deadlines. Charges were laid by the Southern IFCA and the individual was ordered to pay costs and fines totalling £9,093.10, a significant outcome for the Compliance and Enforcement Team in the last quarter.

PDCO Dell outlined the quarterly Compliance and Enforcement Quarterly Report to Members, with the report containing statistical data related to enforcement activity for the reporting period

May to July 2024. PDCO Dell informed Members that the figures are reported on an annual basis to Defra via the AIFCA as well as being published on the Southern IFCA website and in the Annual Report. PDCO Dell outlined that Section 4 of the report in relation to a summary of key enforcement operations and activities has been removed and the Compliance and Enforcement Team will be highlighting these through Behind the Scenes Reports provided later in the agenda.

### **Southern's Pilot REM Fisheries – Status Update**

17. PDCO Dell stated that Members would recall approving the Compliance and Enforcement Team Strategy for this year, which included funding a small-scale trial of REM and AI across a number of vessels in the Southern IFCA District.

PDCO Dell informed Members that the purpose of the report is to provide a status update in relation to the Southern IFCA Pilot Project for REM and AI. PDCO Dell outlined that Officers have produced the report 'Exploration of the use of REM and AI in inshore fisheries management in the Southern IFCA District' which includes a short Literature Review on the use of REM and AI in fisheries management. PDCO Dell outlined that IFCO Payton in the Compliance and Enforcement Team has been assisting with this area of work and is credited in helping to produce this report.

Mr N Hornby asked PDCO Dell how other IFCAs are undertaking similar work and questioned whether all those involved are coming together to ensure that there can be shared lessons learned. PDCO Dell informed Mr N Hornby that at present the approach is not as joined up as it could be and it is recognised that other IFCAs are now moving forward with various REM and AI projects as well as other Government departments. Southern IFCA is partnering with DSIFCA and through the report there is discussion of outputs coming from other work such as that taking place in Scotland. PDCO Dell outlined that one of the report outputs is to fully engage with Defra colleagues with Defra being a possible route for coordinating the smaller trials which are taking place.

Dr A Jensen asked if AIFCA have a role in this program. PDCO Dell outlined that the AIFCA hasn't been directly engaged but it is likely they have sight of the ongoing work across the country and agreed that it would be beneficial for AIFCA to be involved.

Cllr. M Winnington asked PDCO Dell about the reliability of REM and AI and what parameters are being used to ensure the technology is being used in a proportional way. PDCO Dell informed Cllr. M Winnington that working with industry is the best way to ensure a proportionate approach is being taken and that communication from industry will indicate if this is not the case. PDCO Dell outlined that it is a voluntary program at this stage and therefore relies on close working with industry. PDCO Dell responded that reliability is one of the most important factors as the technology needs to be reliable to be appropriate for industry, to date the trials have shown that the technology has been reliable.

PDCO Dell informed Members that General Member Dr SCripps had provided feedback on the report due to an inability to attend the meeting. PDCO Dell summarised the feedback that Southern IFCA should continue to work closely with Defra colleagues and fishers and encourage of open communication.

Mr N Hornby suggested that the project be discussed further at a TAC meeting, this was supported by the Chairman of the TAC stating that it would be on the basis of when PDCO Dell feels it appropriate to bring it to a TAC meeting.

### **Solent Scallop Fisheries 2024-2025**

18. DCO Birchenough provided Members with an update on the upcoming 2024-25 Solent scallop fishing season, commencing on 1<sup>st</sup> November. DCO Birchenough outlined that the autumn survey is complete and officers are currently working hard to analyse the data from that survey,

which will provide some indication as to the stock performance of the Solent Scallop Fishery through the closed season between the end of March to 1<sup>st</sup> November.

DCO Birchenough raised with Members that in the event that survey results suggest a further noteworthy decline in stock levels then there may be a need to hold an extraordinary TAC meeting to consider all available evidence including survey results and applications for permits and whether any further action is required in the fishery ahead of 1<sup>st</sup> November. DCO Birchenough outlined that if an Extraordinary TAC meeting was required it would be during the week commencing 7<sup>th</sup> October. DCO Birchenough outlined the importance of transparency and communications with industry and therefore if further action was determined to be required there would then be a period of consultation with the fishing industry. DCO Birchenough stated that it was recognised that there were tight timelines ahead of the start of the season but that the timing of the survey was to provide an appropriate period of time during the closed season to see any changes in stocks, however it is acutely recognised that this time period does not make it easy for the industry who wish to understand what the fishery may look like for the coming year.

DCO Birchenough outlined that if the survey shows a healthy stock communications will be had through the pre-season meeting, held each year, with permit holders and subsequently a progress report would be provided to the TAC at the meeting in November.

Ms E Bussey-Jones asked whether a particular date could be explored with Members in the event an Extraordinary TAC is required. DCO Birchenough stated that the 10<sup>th</sup> October is a possible date but this will be confirmed if required.

### **Behind the Scenes**

**19.** The CEO informed Members that this is the first time the Behind the Scenes item has included reports from all three teams, RPT, CET and BST. The Chairman stated his thanks to the officers for producing informative reports and the importance of Members being able to understand the full breadth of work which is undertaken.

### **Sector Group Meetings**

**20.** Members received the minutes from recent meetings of The Fishermen's Council and RASG.

### **AIFCA Annual Report 2023-2024**

**21.** The CEO informed Members that she, the Chairman, and the Vice Chairman attended a recent AIFCA forum meeting, at which the AIFCA Chief Officer Mr R Clark presented the AIFCA Annual Report. It was felt appropriate that Members have sight of this report to see the scope of the work that the AIFCA have achieved over the last 12 months. The CEO stated that it is also important for Members and elected Members to understand the work that the AIFCA do on behalf of IFCAs, as a collective voice for the IFCAs at a national level and as a conduit between the IFCAs and Defra, with all of the 10 IFCAs paying an annual subscription to the AIFCA.

The CEO informed members that Mr R Clark was previously also invited to provide an update to Members the AIFCA Annual Plan for 2022/23. The Chairman informed Members that he has recently spoken with Mr R Clark who is pleased that Southern IFCA are highlighting the work undertaken by the AIFCA work and that he would be happy to receive any comments from the Members.

### **Date of Next Meeting**

**22.** That the date of the next Authority meeting be on the Thursday 5th December 2024 at RNLI Poole. A Christmas meal will follow the meeting.

**The meeting concluded at 16:06**

# Southern Inshore Fisheries and Conservation Authority

## EXECUTIVE SUB-COMMITTEE

A meeting of the Executive Sub-Committee (ESC) was held at **14:00 on 17<sup>th</sup> September 2024** via video conferencing.

### Present

Cllr. Paul Fuller	Isle of Wight Council (Chairman)
Cllr. Robert Hughes	Dorset Council (Vice Chairman)
Cllr. Matthew Winnington	Portsmouth City Council
Dr Antony Jensen	MMO Appointee
Mr Richard Stride	MMO Appointee
Ms Pia Bateman	Chief Executive Officer (CEO)

Principal Deputy Chief Officer (PDCO) Mr Sam Dell, Accountant Mrs Jen Carr and Office Manager Ms Maria Chaplin were also present.

### Apologies

**390.** Apologies were received from Deputy Chief Officer (DCO) Sarah Birchenough.

### Declarations of Interest

**391.** There were no pecuniary or non-pecuniary interests declared.

### Minutes

**392.** The minutes from the previous meeting of the ESC held on the 11<sup>th</sup> June 2024 were considered by Members.

With reference to Recommendation 375, the CEO confirmed that letters had been sent to all Local Authority's in June 2024 seeking deputy representation, in addition to providing a summary of Elected Member attendance for the previous year, as well as inclusion of the Southern IFCA Annual Report and Annual Strategy.

With reference to Recommendation 383, the CEO confirmed that a letter had been sent to Mr C Brock on the 18<sup>th</sup> June 2024, with a positive response received the same day.

With reference to Recommendation 385: on behalf of DCO Birchenough, the CEO explained that following the previous ESC, DCO Birchenough had provided a formal response to the CEO of PHC in response to a request for Southern IFCA to provide funding to PHC to assist them in the writing of a Management Plan.

### **Resolved**

**393.** The minutes from the previous meeting of the ESC were agreed by Members.

### Progress Reports

#### **394. Chief Executive Officer Updates.**

The CEO briefly discussed how all relevant updates this quarter would be provided under Agenda Item titled 'Risk Management'.

# Southern Inshore Fisheries and Conservation Authority

## **395. Budget Control Statement.**

The CEO described that the BCS, accurate to 31st July 2024 shows a deficit of income against budget of 97k, with the deficit consistent with the previous reporting relating in part to the outstanding receipt of Defra grant money. The CEO provided a verbal summary of the health of the Main Headers, as captured in the Executive Summary.

The Chairman discussed the outstanding Defra grant money and the financial impact this could have on SIFCA. The CEO explained to Members that it is one of the functions of the AIFCA to engage with Defra on the provision of the outstanding grant money. Members discussed whether the ESC should pursue this matter with the AIFCA.

The Chairman informed members that the CEO and Vice Chairman had attended the recent AFICA meeting. The Chairman stated that there are financial issues being faced by some IFCA's and that he would like Southern IFCA to work with other IFCA's to engage with the AIFCA to suggesting making representation to Defra on outstanding project monies. Dr A Jensen discussed the delicate balance, recognising that Defra have committed to the grant funding but do not recognise the importance of timely provision of that funding. It was felt that engaging on this matter is the role of AIFCA, as IFCA's are still expected to meet the targets set for them by Defra. Dr Jensen stated he would welcome an approach by AIFCA to Defra to secure the funding.

Cllr. M Winnington suggested using another avenue, through council representatives raising the matter through local MP's. It was outlined that local MP's will not be aware of the hold up and can ask questions as to why the funding isn't being released from Defra. The Chairman stated that he agreed this was a good idea and looked ahead to the Authority meeting where actions would be determined by the Authority as a collective.

### **Resolved**

**396.** That the report be received.

## **397. Statement of Accounts for Year Ended 31st March 2024. Annual Return from PK Francis Clark**

Mrs J Carr introduced the item, explaining that Members had previously received the draft statement of accounts for the year ended 31<sup>st</sup> March 2024, where subsequently The Authority had agreed that the statement of accounts be sent to PK Francis Clark for an Independent Assurance Review. Mrs Carr provided an update in that this external audit had now been completed and signed off with one minor recommendation regarding a movement of £500. PK Francis Clark commented that the online filing system for invoices was much more efficient this year, with significant improvements in internal processes noted. Mrs Carr signposted the Members to the final set of accounts, as provided as part of this report, confirming that there had been no changes to the numbers from the draft versions provided at the last meeting.

Mr R Stride proposed the recommendations, which were seconded by Cllr R. Hughes. All Members were in favour.

### **Resolved**

**398.** That Members note the outcomes of the external audit for the financial year ended 31st March 2024.

**399.** That Members formally accept the Annual Return and make a recommendation to the Full Authority on the 19th September that the document be signed by the Chairman, the CEO and the Accountant on behalf of the Authority.

# Southern Inshore Fisheries and Conservation Authority

## **400. FPV Vigilant: Boat Build Progress**

PDCO Dell invited Members to read the letter received from Ribcraft which addresses the delays to date in FPV Vigilant entering service. PDCO Dell was pleased to report that FPV Vigilant is now on the water undergoing sea trials with Senior IFCO Parry working alongside PDCO Dell to ensure that the sea trials are fruitful over the two-week period, working to a Vessel Acceptance Document which provides a structure for sea trials.

PDCO Dell discussed that if following satisfactory sea trials, the Authority will take ownership of the vessel towards the end of September subject to satisfying the Vessel Acceptance Programme, with the change of ownership requiring a final stage payment which contractually is subject to satisfactory sea trials.

Dr A Jensen congratulated PDCO S Dell in getting the vessel to this stage.

The Chairman expressed his gratitude for all the hard work in getting FPV Vigilant completed.

### **Resolved**

**401.** That Members note the update.

## **Risk Management Report**

**402.** The CEO described the strategic risks that the Authority are facing in a 6 monthly review to the Risk Management Register. Due to the topics under discussion, this item was confidential. The main areas of discussion were related to challenges relating to Authority Sub-Committee attendance and staffing costs relating to a grievance and out of court settlement, to which the Chairman provided support of the actions taken to date on the matter, thanking the CEO for her management of this matter in particular, recognising the associated challenges.

With regard to Elected Member attendance to Sub-Committees, the CEO discussed the non-attendance from BCP and Hampshire Members, which has resulted in the AGSC not being quorate in recent sittings. The CEO discussed the importance of the AGM on Thursday in the appointment of representatives. Dr A Jensen suggested that if the matter continues, that General Members with fiscal backgrounds could be invited to attend the relevant Sub Committees, with an update to the Constitution if required. The Chairman explained that the lack of attendance supports the desire to have deputies from the Councils so that there would always be representation.

The recommendation was proposed by The Chairman, which was seconded by Dr A Jensen. All members were in favour.

### **Resolved**

**403.** That Members note the updates to the Risk Management Register, as provided in Table 1.

**404.** That Members consider where risk has been identified and consider additional actions where appropriate.

# Southern Inshore Fisheries and Conservation Authority

## **Accident, Incident and Near Miss Report.**

**405.** PDCO S Dell discussed an accident which had occurred in the last reporting period, where damage to the A Frame of FPV Endeavour had occurred following collision with a bridge, following a failure of the A-Frame to automatically lower. The risk assessment associated with this activity has been reviewed and mitigating procedures have been introduced in that a visual check should be carried out before proceeding under bridges. This matter cost £423 to resolve.

### **Resolved**

**406.** That the Accident and Incident report is noted by Members of the Executive Committee.

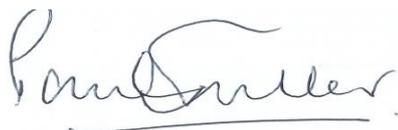
## **Date of Next Meeting**

**407.** Members considered the date of the next ESC, timetabled for the 3<sup>rd</sup> December 2024.

### **Resolved**

**408.** The date of the next virtual meeting of the Executive Sub-Committee is confirmed.

The Meeting closed at 15:37



Paul Smiller

# SOUTHERN INSHORE FISHERIES & CONSERVATION AUTHORITY

## TECHNICAL ADVISORY COMMITTEE – 22<sup>ND</sup> August 2024

Minutes of the Technical Advisory Committee (TAC), held in the meeting room at the Southern IFCA office in Poole at 14:00 on 22<sup>nd</sup> August 2024.

### Present

Dr Antony Jensen	Chairman, MMO Appointee
Mr Richard Stride	Vice Chairman, MMO Appointee
Ms Elisabeth Bussey-Jones	MMO Appointee
Mr Gary Wordsworth	MMO Appointee
Ms Louise MacCallum	MMO Appointee
Ms Pia Bateman	Chief Executive Officer (CEO)

Principal Deputy Chief Officer (PDCO) Sam Dell, Deputy Chief Officer (DCO) Dr Sarah Birchenough, Senior Inshore Fisheries and Conservation Officer (SIFCO) Ms Emily Condie, IFCA's Ms Celie Mullen and Ms Hester Churchouse, Project Officers Ms Imogen Wright, Mr William Meredith-Davies, Ms Chelsea Perrins and Office Manager Ms Maria Chaplin were also present. Cllr Paul Fuller, Chairman of the Authority, also attended.

Mr T Ferrero (Hampshire and Isle of Wight Wildlife Trust) joined the meeting from the virtual public gallery.

### Apologies

78 Apologies for absence were received from Mr N Hornby (MMO Appointee), Mr C Brock (MMO Appointee), Dr S Cripps (MMO Appointee), Dr R Morgan (NE), Mr S Kingston-Turner (EA) and Mr J Morgan (MMO Representative).

### Declarations of interest

79. The following pecuniary interests were declared: Mr G Wordsworth (Agenda Item 8). The following non-pecuniary interests were declared: Ms L MacCallum (Agenda Item 7).

### Minutes

80. Members considered the Minutes of the meeting held on the 9<sup>th</sup> May 2024, these were confirmed and signed.

## PROGRESS REPORTS

### **81. Chief Executive Officer Updates**

The CEO advised Members of Ministerial changes following the election of the new Government, namely The Rt Hon Steve Reed OBE MP, as the Secretary of State for Environment, Food and Rural Affairs and the Minister of State for Food, Farming and Fisheries, namely Daniel Zeichner, formally the shadow minister for Defra from 2020 to 2024.

Following the change in Government, the CEO advised Members that it is likely there will be future changes in inshore fisheries and conservation management, but that any changes were unlikely to be instant, as a status quo will likely be maintained in the short term.

The CEO advised Members on an increase in the Government's Offshore wind budget. At this time it is not known how any developments in the offshore wind program will impact the Southern IFCA District or within the 6nm boundary, but it demonstrates directional intentions of the new Government.

The CEO informed Members that the Crown Estate had confirmed in recent weeks the opening of a formal tender for the development of three offshore wind farms in South Wales & Southwest England. The newly established Government company, Great British Energy

## SOUTHERN INSHORE FISHERIES & CONSERVATION AUTHORITY TECHNICAL ADVISORY COMMITTEE – 22<sup>ND</sup> August 2024

will work with the Crown Estate to support the delivery of required infrastructure. It is anticipated that collectively the three sites will deliver c.4GW of energy which equates to around 4 million homes. The CEO discussed that this could be complex matter, with early suggestions that the loss of biodiversity as a result of installing a windfarm may require an equitable area which match the windfarm's spatial footprint protected for conservation/biodiversity purposes. The CEO informed Members that those bidding to deliver the new wind farms will be required to consider how their proposals will consider wider social and economic benefits for coastal communities. This is in early stages and at present not of direct relevance to Southern IFCA however we maintain awareness of progress in this area.

The CEO informed Members that a Private Members Bill to regulate and limit bottom trawling in MPAs, introduced by Baroness Ritchie of Downpatrick has had its first reading in the House of Lords. As currently drafted it states that the regulations must be introduced to prohibit bottom trawling in MPAs. MPAs are defined as including MCZs, Nature Conservation MPAs, HPAs, SACs, SPAs, SSSIs, and an Area of Special Scientific Interest in a marine environment, or a marine Ramsar Site. The draft Bill also allows for any such regulations to make associated provisions on licensing and enforcement as well as conferring power on the Marine Management Organisation and Inshore Fisheries Conservation Authorities.

The CEO advised Members that the Private Members Bill was not a product of Government Policy and that it was at the first of 6 stages, with the second reading in the House of Lords scheduled for 6<sup>th</sup> September. The CEO informed Members that it was important to be aware of this Bill given its traction and building of social interest. The draft Bill uses loose definitions of both bottom trawling and bottom towed fishing gear, recognising it is still in its initial form, but despite this, it does suggest some of the first indications towards whole site rather than feature-based management within MPAs. It was outlined that such a move would present conflict with the IFCA legal duties in their current form and the Habitats Directive, in addition there would be large scale implications for inshore fisheries. The CEO advised Members that the RPT is compiling a status report to understand what the implications of such a Bill would be on District fisheries. The CEO outlined that this matter has been raised with all IFCO CEOs with a view to seeking input and updates from Defra through MAFCO meetings and the AIFCA.

The CEO reminded Members of the Government's Environmental Improvement Plan published in January 2023, aiming to build on the 25-Year Environment Plan and key legal frameworks, of which relevant to SIFCA are the Environment Act 2021, and the Fisheries Act 2020. The overall aim being to create a "comprehensive delivery plan" to halt and reverse the decline in nature in the UK via delivery of 10 goals, each with specific targets and commitments that contribute to legally binding targets set out under the Environment Act 2021. The CEO advised Members that she has covered the EIP23 at a number of meetings and that the delivery of the Plan has had an impact on MPA work, requiring Southern IFCA to reprioritise to meet 2024 deadlines for Bottom Towed Fishing Gear, Shore Gathering and Black Seabream workstreams. The CEO informed Members that on 31<sup>st</sup> July 2024 the Labour Government launched a 'Rapid Review of the EIP' to be completed by the end of the year.

The CEO advised Members that the announcement followed the publication of a progress report on the EIP for 2023-2024. With regard to marine and coastal environments, the report discusses the MMO MPA BTFG byelaw which was introduced in March 2024 across 13 offshore MPAs. There is no information on the work that the IFCAs are doing collectively to help achieve the EIP targets, this is a matter that has been raised at a recent COG and will again be raised at the next AIFCA meeting. This is to ensure that the work of the IFCAs is filtering through to Defra at a National level. As collective, IFCAs are providing regular updates to the MMO and Defra on these matters, but this appears to not be filtering through to the end

## SOUTHERN INSHORE FISHERIES & CONSERVATION AUTHORITY TECHNICAL ADVISORY COMMITTEE – 22<sup>ND</sup> August 2024

stages. From a Southern IFCA perspective, the work we are doing on BTFG, SG and BSB hasn't reached completion, but a high-level progress update as a minimum should be contained within the report which recognises that the BTFG Byelaw 2023 has been made by Southern and is undergoing QA with the MMO.

The CEO informed Members that under the Conservative Government Local Nature Recovery Strategies (LNRS) were required to be developed by councils in order to address declines in nature and coordinate recovery. Relevant to the Southern IFCA district, Dorset (to include BCP) and Hampshire & the Isle of Wight had both been developing LNRS including an optional extension from low water into the marine environment. In May 2024, this optional extension was removed, so the LNRS are now being prepared to low water only.

The CEO spoke to Members about a Sea Angling Report which was published by CEFAS in late July. A link to the report has been put on the Southern IFCA website and advertised across social media channels. The publication highlights the importance of sea angling, socially and economically as well as providing an understanding on the impact of this activity on fish stocks and how the sector was impacted by the Covid-19 Pandemic. The report will help IFCAs to better inform wider policy development via provision of information needed to support well-informed decision-making processes.

The CEO spoke to members about recreational fishing for Blue Fin Tuna. Following a return of this species into UK waters after many years of absence, the MMO has allocated 66 tonnes of quota for 2024 (16t to recreational fishers under a permit scheme and 39 tonnes for a commercial bycatch and tagging programme running July-Dec). Since the last TAC meeting, 89 recreational permits have been granted across English waters for catch and release via rod and line (administered and managed by the MMO and Defra).

### **82. Research and Policy Team updates**

DCO Birchenough informed Members that the BTFG Byelaw 2023 had been subject to a further round of QA, following a review by the senior team at the MMO, with all comments addressed and re-submitted to the MMO on 22<sup>nd</sup> August. There were no material changes to the Byelaw or Impact Assessment. The indication from the MMO is that following this QA they would be looking to send the Byelaw package to Defra for consideration by the Secretary of State.

DCO Birchenough explained to Members some of the complexity that can lead to the process of QA taking an extended period of time. In the case of the BTFG Byelaw 2023 there had been issues which Southern IFCA had flagged with the MMO including version control with comments through QA being made on an older version of the Byelaw rather than the most recent version and inconsistencies in the advice provided between different rounds of QA which had resulted in further updates being required in subsequent rounds of QA.

DCO Birchenough informed Members that both of those points had been highlighted when submitting the Byelaw through the most recent round of QA. The MMO have been asked to provide an update on anticipated next steps and timelines so that we can be appropriately informed when the Byelaw package is sent to the Secretary of State for confirmation.

Mr R Stride asked DCO Birchenough if that process is likely to be interrupted by the passage of the private Members Bill? DCO Birchenough informed Members that the private Members Bill is in very earlier stages and may not progress therefore it is unlikely to impact the progress of any BTFG byelaws currently in the QA process.

PO Meredith Davies gave Members an update on the lease program for 2025-2030 under The Poole Fishery Order 2015. He outlined that leases under The Order are issued for a five-year

## SOUTHERN INSHORE FISHERIES & CONSERVATION AUTHORITY TECHNICAL ADVISORY COMMITTEE – 22<sup>ND</sup> August 2024

period with the current lease commencing on the 1st July 2020 and set to expire on the 1st July 2025. There will therefore be a new lease period commencing from the 1st July 2025. The process of gathering background information to inform the development of the lease program has started, and communications will be made with Lease Holders to provide information on the process as it progresses. The Authority will be kept up to date with this workstream through TAC meetings. Any decisions required as part of the process would be presented for consideration at the appropriate TAC meetings.

### ITEMS FOR DECISION

#### **83. Shore Gathering Byelaw**

DCO Birchenough outlined to Members the steps involved in developing the Shore Gathering Byelaw, stating that the Shore Gathering review was one of Southern IFCA's key MPA workstreams contributing to the 2024 deadline for MPA management within IFCA Districts. The Shore Gathering Review commenced in 2022 and was then further refined in 2023 following the publication of the EIP 2023 to focus on management within National Site Network Sites, namely Marine Conservation Zones (MCZs), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). DCO Birchenough outlined that management principles had been developed for the Review through a series of Member Working Groups and agreed by the TAC at the meeting in May 2024 along with a set of draft management measures based on these principles and initial drafts of the Conservation Assessment Package, Site Specific Evidence Package and Literature Review as supporting documents. The draft management measures were then used to create the Shore Gathering Byelaw and a Seaweed Harvesting Code of Conduct.

DCO Birchenough outlined that the management measures in the Shore Gathering Byelaw were based around spatial management through the definition of three types of prohibited areas, year-round, winter closure areas (1st November to 31st March) and summer closure areas (1st March to 31st August). During the relevant periods, all shore gathering activities would be prohibited (covering bait digging/collection, shellfish gathering, crab tiling/collection, mechanical harvesting [by hand], push netting and seaweed harvesting), with some exceptions for certain hand worked gear types which are listed in the Byelaw. DCO Birchenough informed Members that the provisions in the Shore Gathering Byelaw ensured that all relevant activities were covered and addressed the potential impact to designated features in a proportionate way.

DCO Birchenough outlined that the Seaweed Harvesting Code of Conduct had been developed in line with other Codes of Conduct in place around the UK, primarily one which was developed by Natural England. The determination to progress with a CoC was based on the fact that the levels of activity for this particular form of shore gathering are very low in the District and therefore a CoC is the most appropriate management step that will allow the IFCA's legal duties to be met whilst being proportionate to the potential impact of the activity. DCO Birchenough informed Members that in drafting the Shore Gathering Byelaw it was identified that there are 5 existing Southern IFCA Byelaws which can be revoked. This is to avoid duplication of regulation and to reduce some of the complexity that currently exists around regulations for shore gathering activities. DCO Birchenough outlined that the proposed Shore Gathering Byelaw ensures that the legal duties of Southern IFCA can be satisfied whilst ensuring that measures can be condensed into a single byelaw.

DCO Birchenough informed Members that the Shore Gathering Byelaw requires an amendment to an existing byelaw, the Fishing for Cockles Byelaw, to create the Fishing for Cockles (Amendment) Byelaw which is included in the Byelaw package to be 'made' along with the Shore Gathering Byelaw. The original Fishing for Cockles Byelaw contains provisions related to shore gathering and to dredging, the former would be managed under the new Shore Gathering Byelaw, the latter are already managed under relevant permit byelaws. The

## SOUTHERN INSHORE FISHERIES & CONSERVATION AUTHORITY TECHNICAL ADVISORY COMMITTEE – 22<sup>ND</sup> August 2024

amendment byelaw is required to ensure that other provisions including an MCRS for cockle and a closed season remain in place.

DCO Birchenough informed Members that the Shore Gathering Byelaw would also require a cessation of the Memorandum of Agreement for Bait Digging in Poole Harbour, a voluntary agreement in place since 2013. DCO Birchenough explained that there has been documented non-compliance with the MoA in certain areas which has supported the decision to bring the spatial provisions of the MoA into a regulatory mechanism. DCO Birchenough outlined that there are other provisions, in addition to spatial management, contained within the MoA, such as backfilling and the requirement for landowner permission for commercial harvesting, however there are other nationwide codes of conduct for bait digging in place which list these provisions, therefore there is no further need for a specific agreement for Poole Harbour in the event that the Shore Gathering Byelaw is ratified.

DCO Birchenough outlined that an Impact Assessment has been drafted to support the Byelaw and, in order to understand the potential economic cost of the Byelaw, Senior IFCO Condie undertook targeted engagement with specific stakeholders. The economic cost identified through this exercise is represented in the IA and has been determined to be relatively low. The nature of the Review, focusing on National Site Network Sites and feature-based management means that the IFCA has not gone beyond the achievement of its legal duties in this regard, therefore the socio-economic impact of measures is not a factor which can be taken into consideration when making decisions on management, but that the cost has been identified through the IA as a requirement of the byelaw making process. The proportionate approach to the development of this management will enable the Southern IFCA to meet duties under the Marine and Coastal Access Act 2009 for MCZs and the Conservation Regulations for SACs and SPAs, whilst minimizing impact on the industry where possible.

Senior IFCO Condie informed Members that following comment from NE at the May TAC meeting and following the provision of Formal Advice by NE on the Conservation Assessment package, two changes had been made to the draft management measures. One in Langstone Harbour to increase prohibited areas to year-round to provide appropriate protection for tern species and an extension of the year-round prohibited area in The Fleet to fully cover areas already subject to exclusions/management by local conservation managers. Senior IFCO Condie outlined that there had also been some minor wording updates to the Seaweed Harvesting Code of Conduct and inconsequential updates to the Conservation Assessment Package. Members were informed that the Formal Advice received from NE had been annexed to the report along with a table outlining how each point raised by NE had been responded to by Southern IFCA.

Dr A Jensen thanked DCO Birchenough and officers for a detailed set of documents. Dr Jensen informed Members that they had been asked to provide comments on the Shore Gathering Byelaw, Fishing for Cockles (Amendment) Byelaw, Seaweed Harvesting Code of Conduct and supporting documents. Dr Jensen outlined that if Members agreed the recommendations then the Authority would be formally notified of the intention to Make the Byelaws at the September meeting along with the MMO and Secretary of State.

Ms L MacCallum queried how enforceable the regulations under the new Shore Gathering Byelaw are. PDCO Dell informed Members that the Byelaw has been reviewed by members of the Compliance and Enforcement Team and he is confident that the Byelaw is enforceable. Dr A Jensen informed Members that any comments received during the Formal Consultation on the Byelaws would help understand any potential issues.

Mr R Stride asked for areas which are prohibited either year-round or seasonally, where these are expressed as a percentage of the Southern IFCA District, did this relate to the whole

## SOUTHERN INSHORE FISHERIES & CONSERVATION AUTHORITY TECHNICAL ADVISORY COMMITTEE – 22<sup>ND</sup> August 2024

District or the intertidal area. Senior IFCO Condie outlined that it was applicable to the whole District.

Mr R Stride stated that the Seaweed Harvesting Code of Conduct states to obtain relevant permissions and that NE should be consulted before harvesting takes place in a protected site. Mr R Stride queried whether anyone undertaking this activity should be consulting NE and what it is that the consultation is for, i.e., is it related to permissions to undertake the activity and how is this granted. DCO Birchenough replied that Southern IFCA have not prescribed processes for this in the CoC as it is a determination for NE as to the most appropriate processes through which any consultation is undertaken or any permissions sought for activities as per their own requirements. DCO Birchenough emphasised that the wording in the CoC is taken directly from NE's own CoC and that while appropriate protections have been provided in the Shore Gathering Byelaw where prohibitions for this activity are required and through the CoC, there is overlap with other designations such as SSSIs where NE consent is required for certain activities. DCO Birchenough explained that it would be for NE to regulate whether those permissions have been obtained rather than Southern IFCA.

DCO Birchenough informed Members that this is the first set of Byelaws that the current Research & Policy Team have developed in their entirety and all members of the RPT have had input into the process. DCO Birchenough expressed her thanks to the RPT for their input.

The recommendations were proposed by Mr R Stride and seconded by Mr G Wordsworth, all Members voted in favour.

### **Resolved**

#### **84. That Members:**

- a. Provide comment on the draft Shore Gathering Byelaw and supporting documentation.
- b. Provide comment on the draft Seaweed Harvesting Code of Conduct.
- c. Provide comment on the draft Fishing for Cockles (Amendment Byelaw)

**85.** That, in accordance with IFCA Byelaw Guidance, Members agree to formally notify Authority Members and the Secretary of State of the intention to make the Shore Gathering Byelaw and the Fishing for Cockles (Amendment) Byelaw at the Authority meeting on 19<sup>th</sup> September 2024.

#### **86. Solent Oyster Survey Report 2024 & Solent Dredge Permit Category B Permits**

IFCO Churchouse presented the survey report from the 2024 Solent Oyster Survey to Members. The survey was run for three days from the 22<sup>nd</sup> to 24<sup>th</sup> July, during which 72 tows were completed in 16 beds over all of the six Bivalve Management Areas defined in the Solent Dredge Permit Byelaw.

IFCO Churchouse informed Members that this survey was last carried out in 2022, with a decision being made following that survey to move to surveying every two years due to low stock levels which showed minimal change each year.. In total across those 72 tows, 42 oysters were sampled which were above or equal to the 70 mm, Minimum Conservation Reference Size (MCRS), 56 oysters were sampled that were under 70 mm.

IFCO Churchouse outlined that The Solent Dredge Permit Byelaw Management Intentions Document sets out CPUE threshold levels for both individual oyster beds and at the level of a BMA, the CPUE relates to oysters at or above the MCRS. These thresholds are designed to inform the management of the fishery. For individual beds the threshold is set at 15 kilograms per meter per hour, and for a BMA the threshold is set at 5 kilograms per meter hour. For the 2024 survey, two BMAs had seen CPUE values above the threshold, BMA 3 - Eastern Solent

## SOUTHERN INSHORE FISHERIES & CONSERVATION AUTHORITY TECHNICAL ADVISORY COMMITTEE – 22<sup>ND</sup> August 2024

with an average CPUE of 5.63 kilograms per meter per hour, which corresponded to 13 oysters above 70 mm over 9 tows, and BMA 2 – Northern Solent, which had an average CPUE of 5.48 kilograms per meter per hour which corresponded to 20 oysters over 70mm over 18 tows. There was only one individual bed, the North Channel in BMA 2 where the CPUE exceeded the threshold, with an average CPUE of 17.55 kilograms per meter per hour, which corresponded to six oysters over three tows. IFCO Churchouse reminded Members that although the threshold levels had been reached in those cases, it was important to reflect on the number of oysters that these values corresponded to which are still very low.

IFOC Churchouse informed Members in comparison to 2022, seven of the beds sampled in 2024 saw an increase in CPUE, 6 sites saw a decreased CPUE to a value of 0 and three sites maintained a CPUE of 0. The results of the survey show that oyster stocks still remain low across the Solent and in consideration of the number of oysters represented by the CPUE values and the decrease in areas of CPUE to 0 it was recommended that Members maintain a closure of all BMAs for the harvesting of native oyster for the 2024/2025 and 2025/2026 fishing seasons, the next survey taking place in July 2026.

The recommendations were proposed by Ms E Bussey-Jones and seconded by Ms L MacCallum; all Members were in favour.

### **Resolved**

**87.** That members approve The Solent Native Oyster Survey 2024 report.

**88.** That Members maintain a closure of all BMAs for harvesting of native oysters for the 2024/2025 and 2025/2026 seasons.

### **ITEMS FOR INFORMATION**

#### **89. Poole Bivalve Survey Report 2024**

IFCO Mullen presented the survey report for the 2024 Poole Harbour Bivalve Survey, informing Members that the survey is conducted annually prior to the opening of the Poole Harbour Dredge Permit fishery in May. For 2024 the survey was completed between 8th – 11th April.

The report shows analysed Catch Per Unit Effort (CPUE) and size frequency data from the survey and catch data from the fishery for 2023 across the 11 catch reporting zones, comparisons are made to data from the last three years. The CPUE data shows that higher CPUE values reflect environmental stimuli which drives the distribution of different species across the Harbour, Manila clam favouring finer grained muddy sediments whereas cockles favour coarser, sandier sediments.

IFCO Mullen outlined that over the last three years there have been fluctuations in catch data and also CPUE survey data but there have been no statistically significant differences, indicating that, according to the survey results, the population of Manila clam appears stable. Results for common cockle have shown either no significant difference in catches or CPUE data from the survey in the last three years or an increase in CPUE which has been seen in the last two years. It was noted that CPUE data from Zone 3 for common cockle was higher in previous years but not significantly so.

IFCO Mullen outlined that catch data for Manila clam peaked in October 2023, consistent with previous years, whereas there was a peak in landings for common cockle also in October 2023 which has not been consistently seen over the past three years. For size frequency data from the survey, the length distribution of Manila clam showed smaller lengths than in 2023, but these were not statistically significant, and lengths of common cockle were seen to fluctuate between zones as has been the case in previous years.

**SOUTHERN INSHORE FISHERIES & CONSERVATION AUTHORITY**  
**TECHNICAL ADVISORY COMMITTEE – 22<sup>ND</sup> August 2024**

IFCO Mullen outlined that, although analysis of survey data indicated that stocks are stable, Southern IFCA have received reports from permit holders following the start of the fishing season in May that there has been an observable decline in catches of Manila clam compared to the previous few seasons. On the basis of this information Southern IFCA have been monitoring the catch data supplied monthly by permit holders and have, to date, analysed data from May, June and July comparing data from 2024 to 2016-2023. IFCO Mullen provided a graph to Members, outlining that data for May and June had been provided as part of the TAC report and data from July had been added, and presented verbally, due to catch data for July not being received prior to the TAC agenda being published. IFCO Mullen outlined that the data is provided as CPUE values, representing kg of Manila clam per hour per fisher, this removes any influence of changes in the number of permit holders fishing, or the number of hours fished.

IFCO Mullen informed Members that for May 2024, the CPUE was 0.7kg per hour per fisher, a decrease of 39.1% compared to 2023 (1.15 kg per hour per fisher). Comparing to catch data from May 2016-2019, the CPUE for 2024 was between a 29.6% increase (2017) and a 48.9% increase (2016) on levels seen during those years for that month, therefore catch levels remain higher in 2024 for May than they did in the 2016-2019 period.

For June 2024, the CPUE was 0.45kg per hour per fisher, a decrease from 2023 of 31.8% (0.66 kg per hour per fisher). Comparing to catch data from June 2016-2019, the CPUE for 2024 was between a 2% decrease (2017) and a 12.5% increase (2016).

For July 2024, the CPUE was 0.37kg per hour per fisher, a decrease from 2023 of 51.3% (0.76 kg per hour per fisher). Comparing to catch data from July 2016-2019, the CPUE for 2024 was between a 24.5% decrease (2017) and a 10.4% increase (2016). Looking at the data for 2016-2024, there was a relatively consistent catch rate for 2016-2019 followed by a large increase in 2020, a slight decline through to 2022 and then a slight increase in 2023 prior to the pattern being seen for the 2024 season. IFCO Mullen outlined that whilst the 2024 data reflects a decline in landings from the previous 4 years, at present levels are not inconsistent with those seen during the 2016-2019 period.

Members were informed that the reason for the decline in catch levels during the 2024 season is currently unknown. Officers have engaged with key stakeholders and experts in the fishery and there has been a suggestion, although not confirmed, that a spring mortality may have potentially occurred in late April, after the Poole Harbour Bivalve Survey was carried out, due to warmer temperatures over winter. IFCO Mullen outlined that catch data would continue to be reviewed on a monthly basis and analysed in relation to previous seasons.

Ms E Bussey-Jones asked whether there was anything significant that occurred between 2016-2017 to see an increase in catch rates. IFCO Mullen responded that there was no significant change that the IFCA are aware of, the stocks remained relatively stable between 2016-2019, however there was a large increase in catch levels in 2020, the reason for this is also not known. Ms E Bussey-Jones asked whether the 2020 catch data was as a result of the Covid-19 pandemic. DCO Birchenough responded that fishing practice remained largely unchanged during the pandemic for the majority of permit holders as most operate single handed.

Dr A Jensen informed Members that the Manila clam is not native to temperate areas and therefore do not have some of the physiological coping mechanisms that native bivalve species exhibit. Primarily this is related to not having the same reduction in metabolic rate in response to temperature, for example oysters and common cockle will noticeably reduce the filtrations rates during colder weather, however in a winter where there are relatively warm

## SOUTHERN INSHORE FISHERIES & CONSERVATION AUTHORITY TECHNICAL ADVISORY COMMITTEE – 22<sup>ND</sup> August 2024

temperatures, Manila clam will continue to pump water expending energy, as the light levels increase in spring there is then an increase in phytoplankton which increases this energy expenditure further, this can result in a spring mortality if energy has not been sufficiently conserved during the winter period.

The CEO outlined to Members that an action will be taken to communicate with Permit Holders as soon as possible on the data presented to the TAC and the intended course of action by the IFCA on how the fishery will be monitored and managed going forward. This will hopefully allay concerns and emphasise to permit holders that the situation is being taken seriously. Officers will also explore the possibility of a proactive agreement on further action, agreed by permit holders ahead of time so if action is required, it can be taken with the agreement of those involved.

### **Recommendation**

**90.** It is recommended that the Southern IFCA communicates with Permit Holders in the PHDP fishery on the catch data for the 2024/2025 season to, as presented to the TAC, and the intended course of action by the IFCA on how the fishery will be monitored and managed going forward.

### **91. Fisheries Management Plans Update**

PO Wright updated Members on the FMP program. Due to the General Election, the majority of work on the FMP program had been paused. IFCO Wright informed Members that she and DCO Birchenough had attended a workshop run by Seafish in relation to the Whelk FMP, to discuss draft reports produced by Seafish on proposed management and evidence gathering based on the objectives highlighted in the published FMP. Southern IFCA also attended a Whelk Management Science Group meeting and have subsequently been asked to comment on a draft paper related to whelk MCRS. PO Wright informed Members that she had also attended an initial scoping meeting for the Celtic Sea and Western Channel demersal FMP and has been working with DCO Birchenough to respond to a data request from MRAG, who are supporting the MMO as the Delivery Partner, in relation to the Wrasses Complex and Black seabream FMPs.

The CEO informed Members that there had also been meetings held between the IFCAs and the MMO, arranged by AIFCA and KEIFCA where each relevant IFCA presented on the work that they currently do in relation to the published FMPS. The MMO were receptive to this and indicated the importance of continuing to work with IFCAs in this process. The intention of the meetings was to ensure that IFCAs are involved in the implementation process, something which is also being raised with the AIFCA. There are multiple groups and a complex picture regarding FMP implementation, and it is important that IFCAs can feed their work and information into this process. The advantage provided by AIFCA is having a member of staff, Mr Tim Smith, who is coordinating IFCA work related to the FMP program and providing a channel for IFCAs to other organisations. There do however remain challenges in also independently reminding lead organisations on FMP implementation that IFCAs have management and research programs in place that could be beneficial to this delivery.

### **92. Marine Licencing Update**

IFCO Churchouse presented Members with the Marine Licencing update. Between May and July of this year, Southern IFCA have be consulted on 28 applications through the MMO licencing portal (MCMS), 12 of which have required a response. Each application requires a review to determine any potential comments which may need to be provided, therefore even the applications which are deemed not to require a response require an investment of time to make this determination. IFCO Churchouse outlined that the detail of applications which required a response can be found in the table accompanying the report, in summary the

**SOUTHERN INSHORE FISHERIES & CONSERVATION AUTHORITY**  
**TECHNICAL ADVISORY COMMITTEE – 22<sup>ND</sup> August 2024**

majority of the responses have been for dredging applications, the majority of which have been within the Solent. In addition, there have been environmental impact assessments and construction work applications which have also required comment.

Responses for dredging works have focused mainly on the impact of dredging disposal on local fisheries in the Solent, as well as providing information on fishing activity and species in the vicinity of proposed works and the potential impact of increased suspended sediment concentration. It is frequently noted that whilst consideration is given to the dredging site, less assessment is carried out for impacts at disposal sites which Southern IFCA feel is important to highlight.

IFCO Churchouse outlined that Members have also been provided with a copy of the response sent to the application for the IFA 2 Cable works. This response focuses on the location of key fisheries in the area of the proposed works, reiterates points raised under the initial application for this project (the current application being for a required additional works) and referenced points raised by the fishing industry in an industry response which the Southern IFCA was given permission to reference. Following the submission of the Southern IFCA response a meeting was held with the applicant, and it was reinforced that further engagement with industry was required which the applicant stated would take place.

IFCO Churchouse outlined that since the TAC agenda was published a further 11 applications have been received for consultation. These are also mainly related to dredging works and are being reviewed. IFCO Churchouse informed Members that in total, the number of applications received to date in 2024 was a 30% increase on the total number received for the 2023-2024 financial year.

Ms L MacCallum asked IFCO Churchouse about the Lymington Harbour maintenance dredge application, and whether fishers are concerned about the impact of dredge disposal where that is being used to regenerate saltmarsh areas or whether it is the disposal at sea.

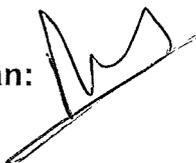
IFCO Churchouse informed Ms L MacCallum that it is commonly the disposal at sea which raises concerns in the fishing industry. The disposal sites used are at the NAB tower and at Hurst spit, with anecdotal evidence received from the fishing industry that this is having an impact on stocks of crab and lobster in these areas and the wider Solent. In responding to applications which reference these disposal sites this point is emphasised and the corresponding need for assessment of impacts at these sites as well as the primary dredging site.

**93. Date of Next Meeting**

To confirm the date of the next meeting of the Technical Advisory Committee on the 7<sup>th</sup> November 2024 at Southern IFCA, Unit 3 Holes Bay Park, Sterte Avenue West, Poole Dorset BH15 2AA.

There being no further business the meeting closed at 15.51

Chairman:



Date:

7/11/24

**Budget Control Statement**

Report by The CEO and Chartered Accountant

**A. Purpose**

To provide Members with a summary of the Authority's accounts for the period 1<sup>st</sup> April 2024 to 30<sup>th</sup> September 2024.

**B. Recommendation**

That the report be received.

**C. Annex**

**Annex 1:** Detailed Budget Control Statement with contextual narrative.

**1.0 Budget Control Statement**

1.1 The Summary Budget Control Statement to 31<sup>st</sup> July 2024, as shown below, shows a **deficit of c.64k against budget.**

SUMMARY RESULTS Major Budget Headers	Apr24-Mar25 12 mths Budget incl. inflation	YTD 1 Apr 24 – 30 Sept 24		
		Actual	Budget	Variances
<b>EXPENDITURE SUMMARY</b>				
Compliance and Enforcement	133,105	45,399	83,160	(37,761)
Research and Policy	39,093	6,381	27,857	(21,476)
Business Services	998,538	463,310	514,226	(50,916)
Capital Equipment	97,947	18,230	48,942	(30,712)
<b>TOTAL EXPENDITURE</b>	<b>1,268,683</b>	<b>533,320</b>	<b>674,185</b>	<b>(140,865)</b>
<b>TOTAL INCOME</b>	<b>1,132,194</b>	<b>923,701</b>	<b>1,128,940</b>	<b>(205,239)</b>
<b>INCOME OVER EXPENDITURE</b>	<b>(136,489)</b>	<b>390,381</b>	<b>454,755</b>	<b>(64,374)</b>

1.2 The Detailed Budget Control Statement (Annex 1) provide a narrative of all positive and negative variance equal to or greater than 1k., in addition to contextual notes where necessary.

**2.0 Summary of Major Budget Headers**

2.1 The positive variance captured under the **Compliance & Enforcement** Header (c.37k) represents c.10k of savings on FPV fuel and maintenance costs, directly related to the delay of FPV Vigilant entering service, in addition to the disposal of FPV Stella Barbara in May 2024. A c.10k payment for access to a National Intelligence System (CLUE) are anticipated imminently. Combined costs for 2 x REM projects are anticipated to be realised later in the financial year (10k).

- 2.2 The positive variance captured under the **Research and Policy** Header (**c.21k**) relates to three surveys (c.8.5k) and research (c.1.5k) timetabled to be undertaken later in the financial year. Some costs have been incurred for Byelaw advertisement, but none to date for associated legal support at this stage of the year (c.4k). The annual MSC audit of the Poole Harbour dredge fishery is timetabled for September (c.5k), with the invoice imminent.
- 2.3 The positive variance captured under the **Business Services** Header (**c.51k**) is due to a reduction in staff salary and pension contributions (c.46k) as a result of one IFCO currently embarking on a sabbatical, the resignation of an IFCO in April, as well as carrying over from the previous financial year a vacancy in the Compliance and Enforcement team. Costs associated with national staff training (c.2k) will be realised later in the financial year. Costs for the annual financial audit are imminent but not yet realised (c.6k).
- 2.4 The positive variance under the **Capital Equipment** Header (**c.30k**) reflects an underspend relating to the delay in FPV Vigilant entering service.

### 3.0 **Total Income**

A deficit in projected income of **c.205k** reflects in part the outstanding payment of project funding from Defra (150k budgeted, 130k anticipated, following a change in Defra's previous commitments during the last financial year). 50k relates to the sale of FPV Protector, which was budgeted for prior to experiencing the delays in procurement and delivery of FPV Vigilant. We may not complete this sale during the current financial year. An amount c.4.5k relates to the anticipated issuing of commercial and recreational permits under the Pot Fishing Byelaw. This Byelaw remains with the MMO quality assurance team. It is likely that this delay is due to the national delivery of FMPs and Tranche 1 outcomes. c.15k relates to a payment from Aquaculture Lease Holders in January 2025.

### 4.0 **Payment of Amounts Exceeding £5,000**

- 4.1 Paragraph (11) of Southern IFCA's Financial Regulations 2022 require that all ex. VAT payments over £5,000 (with the exception of salaries, PAYE, pension contributions and regular payments outside of the Financial Manager's control) are to be reported to the Authority via a BCS.
- 4.2 Between the 1<sup>st</sup> April 2024 and the 30<sup>th</sup> September 2024, the following payments equal to or greater than the above-mentioned figure were made, as follows (*italics refer to previous BCS reporting*):

Amount	Date	What	Who
£31,213.15	12/04/2024	<i>Annual insurance premiums (vehicles, marine assets and estate)</i>	<i>Brundel Insurance Brokers</i>
£13,992.55	21/06/2024	<i>AIFCA Subscriptions 2024-2025</i>	<i>AIFCA</i>



**Reserves Policy 2024**

*Report by Chartered Accountant & CEO*

**A. Purpose**

To provide Members with the three yearly update of the Southern IFCA Reserves Policy following its ratification by the ESC in March 2024, in accordance with Section 4.1.3 of said Policy.

**B. Recommendation**

For Members to note the updated Reserves Policy 2024.

**C. Annexes**

- 1: Southern IFCA Reserves Policy 2024.
2. Reserves Update September 2024
3. 10 Year Forecast 2024 Update

**1.0 Background**

- 1.1 At an ESC meeting on 10 December 2020, it was requested that a Reserves Policy be developed in order to help Member's understand the intentions of the Authority with regard to its future use of the Reserves, particularly in respect to a phased approach under the Marine Assets review and future procurement of patrol vessels.
- 1.2 Subsequently, the Southern IFCA Reserves Policy was approved by the ESC on 3<sup>rd</sup> March 2021. This policy sets out how the Authority will hold reserves for three main purposes:
  - To establish and maintain an adequate balance of working capital to help cushion the impact of uneven cash flows
  - To create a contingency to protect against the impact of unexpected events or emergencies
  - To build up funds to meet known or predicted requirements often referred to as ringfenced reserves. Though accounted for separately they are legally part of the General Reserve
- 1.3 In accordance with this Policy, the ESC agreed that at three yearly intervals, there would be a review of the Policy to ensure it remains fit for purpose, taking into account the performance of the IFCA, the opportunity costs of holding the reserves, and other considerations such as the effect of inflation. This review and update to the policy was presented in March 2024.

**2.0 Summary of Key 2024 Policy Updates**

- 2.1 Updated to include 2 x Defra Revenue reserves, plus removal of Marine Act Reserve (expired).
- 2.2 Prudential Indicator set for the General Reserve (Section 3.1.3) at c.15% of annual gross expenditure. Per 2022/23 accounts the indicator would be calculated as follows:

General reserves	£1,006k
Less earmarked for specific purposes	£875k ( <i>note 1</i> )
Remaining general reserve	£131k
Gross expenditure	£814k
%	16%

*Note 1 – earmarked reserves include DEFRA revenue and capital reserves (£395k), Dilapidations and Training (£30k) and amounts to be transferred to the Marine Asset Renewal Reserve (£450k).*

2.3 Clarity on reporting at Committee and Sub-Committee levels.

### 3.0 Summary of Annex 2: Reserves Update September 2024

3.1 This ESC Cover Sheet provides a forecast of the reserves to the end of March 2026, where the General Reserve is forecast to reduce to 436k from 641k (actual at year end March 2024).

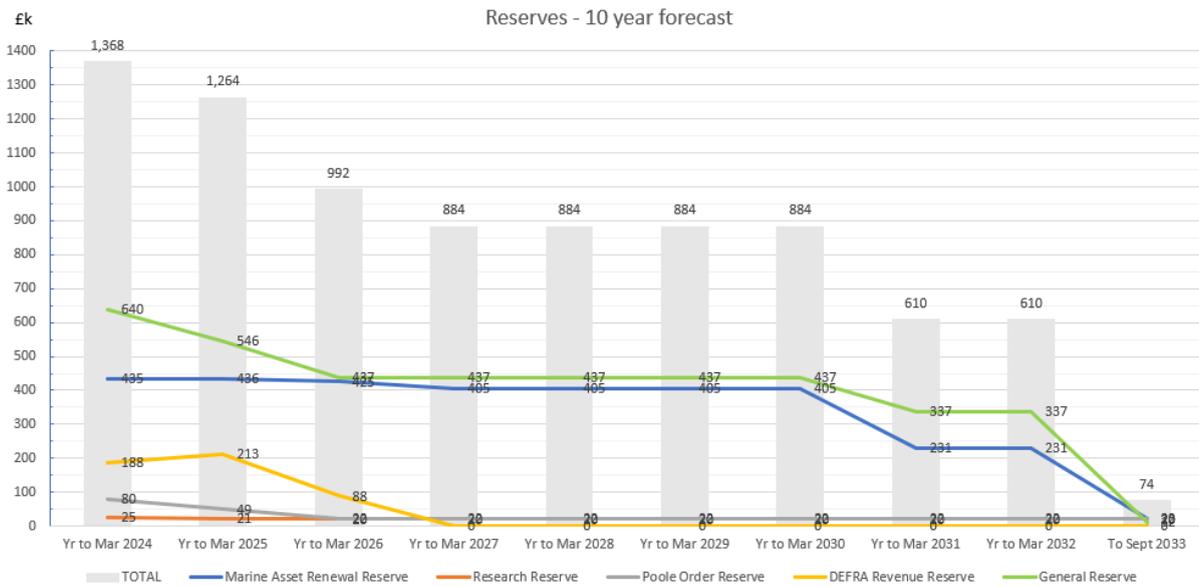
3.2 Section 3 provides an overview of in-year reserve movements from 1<sup>st</sup> April 2024 to 31<sup>st</sup> March 2026.

### 4.0 Summary of Annex 3: Reserves 10 Year Forecast to 2033 (2024 updates)

4.1 This forecast assumes a balanced budget each year i.e. that levy contributions remain fixed and cover all expenditure and that no other project income is received.

4.2 Please note that the forecasting makes assumptions based on the information that we know at the current time.

4.3 A contextual narrative is provided in the annex, describing the purpose of the reserves and the 10 year projections.





Inshore Fisheries and  
Conservation Authority

# Reserves Policy

March 2024 Update

# SOUTHERN IFCA RESERVES POLICY

## Contents

1. <u>DEFINITIONS</u> .....	3
2. <u>PURPOSE</u> .....	3
3. <u>SOUTHERN IFCA RESERVES</u> .....	3
3.1 General Reserve.....	3
3.2 Capital Finance Reserve.....	4
3.3 Marine Asset Renewal Reserve.....	4
3.4 Defra Capital Reserve.....	5
3.5 Marine Act Reserve.....	5
3.6 Research Reserve.....	5
3.7 Poole Order Reserve.....	5
3.8 Defra Revenue Grant Reserve.....	6
4. <u>FINANCIAL REPORTING, MONITORING &amp; REVIEW</u> .....	6
4.1 Triannual Review.....	6
4.2 In-Year Reviews.....	7
5. <u>PRINCIPLE TO ASSESS THE ADEQUACY OF RESERVES</u> .....	7

Version	Date	Changes	Who	Approved
1st draft	24/02/2021	Multiple changes	CEO IJ/MR(Accountant)	
2 <sup>nd</sup> draft	03/03/2021	Changes and additions to 5 FINANCIAL REPORTING, MONITORING AND REVIEW	CEO IJ	
3	05/03/2024	Policy rewrite in accordance with recognised review period, inclusion of Defra funding, inclusion of prudential indicator and clarity on reporting at Committee and Sub-Committee levels.	CEO PB/JC (Accountant)	ESC March 2024

# SOUTHERN IFCA RESERVES POLICY

## 1. DEFINITIONS

- 1.1 'The Authority' means Southern Inshore Fisheries and Conservation Authority as defined in paragraph (2) and (4) of the Southern IFCA Order 2010.

## 2. PURPOSE

- 2.1 The requirement for financial reserves is acknowledged in statute<sup>1</sup>
- 2.2 The purpose of this Reserves Policy is to ensure, insofar as is possible, the continuing financial stability of the Authority's operations.
- 2.3 Maintaining an appropriate level of financial reserves is considered essential to protecting the Authority from financial risk and to enable it to make savings and changes in service delivery in a planned and controlled way.
- 2.4 The Authority is required to have regard to the level of reserves needed for meeting estimated future expenditure when calculating budgets.
- 2.5 The Authority should be able to operate with a level of General Reserve appropriate for the internal and external risks to which it is exposed.
- 2.6 In establishing this policy, the Authority sets out how it will hold reserves for three main purposes:
- To establish and maintain an adequate balance of working capital to help cushion the impact of uneven cash flows.
  - To create a contingency to protect against the impact of unexpected events or emergencies and to ensure the Authority's long term sustainability.
  - To build up funds to meet known or predicted requirements often referred to as Earmarked Reserves. Though accounted for separately they are legally part of the General Reserve.
- 2.7 In accordance with best financial practice, clarification is provided in this Reserve Policy of:
- the reason for / purpose of specified reserves
  - how and when the reserve can be used
  - procedures for the reserve's management and control
  - a process and timescale for review of the reserve to ensure continuing relevance and adequacy.

## 3. SOUTHERN IFCA RESERVES

### 3.1 General Reserve

- 3.1.1 The General Reserve is the account to which, under normal circumstances, an annual operational surplus is added or from which a deficit is deducted. This Reserve will therefore increase and reduce from year to year, reflecting the results of the Authority's normal activities.

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<sup>1</sup> Sections 31A, 32, 42A and 43 of the Local Government Finance Act 1992

## SOUTHERN IFCA RESERVES POLICY

- 3.1.2 Efforts should be made to maintain a positive balance on this account, and should take into account the strategic, operational and financial risks facing the Authority.
- 3.1.3 The Authority has set its prudential indicator for the General Reserve at around 15% of annual gross expenditure. The prudential indicator is a useful control measure and is a rudimentary way of assessing the adequacy of the General Reserve. This will be reviewed as part of the annual budget setting process. Where required The Authority will justify a General Reserve of over or under 15% of annual gross expenditure as common practice during its annual budget setting process.
- 3.1.4 The principal aim of the Authority is to ensure that it uses its funding for the responsibilities outlined in the Marine and Coastal Access Act 2009 (MaCAA), other associated legislation and its focus and priorities as contained within the Annual Strategy. The General Reserve provides working capital to enhance and safeguard continuing provision of its activities.
- 3.1.5 It represents resources that could be used at short notice in the event of unexpected events to provide an adequate balance of working capital to help cushion the impact of uneven cash flows and build up funds to meet known or predicted requirements.
- 3.1.6 The General Reserve has been used to fund budget deficits in the past. The reserve allowed Southern IFCA to freeze the LA levy contributions in 2023-24 at 2022-23 rates.
- 3.1.7 The General Reserve does not represent 'spare' resources and will be utilised as planned in future years. £450k of the General Fund Reserve has been earmarked for transfer to the Marine Assets Reserve within the next 10 years.
- 3.1.8 Where there is annual operational surplus, ringfenced pots can be created under the General Reserve for specific, quantifiable purposes and only following ratification by the Executive Sub-Committee (ESC). For example in 2023-2024, unforeseen income relating to the chartering of Southern IFCA FPVs by a Government Organisation, in addition to an operational underspend on employee salaries facilitated the creation of two in year ringfenced reserves for use prior to year-end:
- Dilapidations Ringfenced Fund (c.20k)
  - C&E Training Ringfenced Fund (c.10k)

### 3.2 Capital Finance Reserve

- 3.2.1 The Capital Finance Reserve ensures that the Authority has the ability to replace its capital assets.
- 3.2.2 The Capital Finance Reserve will be adjusted at each financial year end (currently 31 March) by a transfer either to or from the Marine Assets Renewal Reserve, such that its balance is equal to the net book value of the Authority's fixed assets as recorded in the annual Statement of Accounts.

### 3.3 Marine Asset Renewal Reserve

- 3.1.1 Marine Assets refer to those items on the fixed asset register purchased to enable the Authority to maintain an afloat presence within the IFCA and adjoining Districts, including Territorial Waters. They include:
- Fisheries Protection Vessels

## SOUTHERN IFCA RESERVES POLICY

- Items of equipment added to those vessels (>£500)
- Items bought to transport or maintain those vessels (excluding vehicles)
- Drones

3.1.2 The Marine Assets Reserve provides a fund for the replacement of marine assets (principally patrol vessels) where costs are anticipated to be in excess of net book value.

3.1.3 The Marine Assets Reserve includes a holding pot for unscheduled significant maintenance works. This pot is set at 100k.

3.1.4 Although the Capital Finance Reserve includes the book value of Marine Assets, this reserve is designed to ensure that the Authority is capable of funding the net cost (after any Marine Asset sales) of any Marine Asset purchases anticipated in the next 10 years.

3.1.5 The reserve will be adjusted at each financial year end (currently 31 March) by a transfer either to or from the General Fund Reserve in order to ensure that the Marine Assets Reserve is adequate. £450k of the General Fund Reserve has been earmarked for transfer to the Marine Assets Reserve within the next 10 years.

### 3.4 Defra Capital Reserve

3.4.1 As part of the Government Spending Review 2021, Defra committed an amount of £250k relating to Capital for the purchase of a new vessel.

3.4.2 The Defra Capital Reserve will be transferred to the Marine Asset Renewal Reserve in March 2024 for the purchase of the new vessel.

### 3.5 Marine Act Reserve

This Reserve was established from New Burdens Funds provided by Defra in 2016 and used at the Chief Executive Officer's discretion to fund work for additional responsibilities over and above the duties outlined in the MaCAA, for example, Defra's revised approach for Marine Protected Areas (MPA). This reserve has since been closed following delivery of revised approach work and creation of the Research Reserve.

### 3.6 Research Reserve

3.6.1 The Research Reserve was created on 1<sup>st</sup> April 2020 to replace the Marine Act Reserve in order to fund ongoing work required by the MaCAA.

3.6.2 The Research Reserve will be funded at 31 March from profits derived from external projects completed in the same financial year. Should these be insufficient for the anticipated needs of the next financial year, the deficit will be made up from the General Reserves.

### 3.7 Poole Order Reserve

## SOUTHERN IFCA RESERVES POLICY

- 3.7.1 The Authority manage aquaculture activity within a defined area of Poole Harbour under The Poole Harbour Fishery Order 2015 (1346/2015).
- 3.7.2 Under the above named Order, The Authority are required to account for the relevant income and expenditure associated with its duties under this Order to include annual Management Reviews & biosecurity work (c.30k), as well as work associated with the Tranche Reallocation Programmes (every five years c.105k).
- 3.7.3 The Pool Order Reserve will be adjusted at each financial year end (currently 31 March) by a transfer either to or from the General Reserve in order to ensure that the reserve is adequate.

### 3.8 Defra (Fisheries Act) Revenue Grant Reserve

- 3.8.1 As part of the Government Spending Review 2021, Defra committed to a provision of funding (£150k per IFCA) for three financial years (2022-23, 2023-24 and 2024-25) in order for IFCAs to support Defra's delivery of the Fisheries Act objectives, specifically those relating to Fisheries Management Plans, Marine Protected Areas and Marine Consents.
- 3.8.2 In order to deliver the above listed functions, two Project Officers will be employed on fixed term contracts in addition to a part funding of an IFCO role.
- 3.8.3 The Defra Revenue Grant Reserve will maintain a £50k balance at each year end in order to ensure that Authority can meet the costs associated with fixed term contracts, if funding should cease at any point. This cushion recognises that Defra's year 1 funding (2022-2023) is indicative of years two and three.
- 3.8.4 The Defra Revenue Grant Reserve will be adjusted at each financial year end (currently 31 March) by a transfer either to or from the General Fund Reserve.

## 4. FINANCIAL REPORTING, MONITORING & REVIEW

- Movement between reserves is governed by the Southern IFCA Financial Regulations.
- Reserves should not be held without a clear reason, as demonstrable during the budget setting process, in year update and triannual review of the Reserve Policy.

### 4.1 Triannual Review

- 4.1.1 It is the responsibility of the Chief Executive Officer to review the Reserve Policy every three years from its date of inception (2021).
- 4.1.2 The Executive Sub-Committee will, at three yearly intervals, review the Reserves Policy to ensure it remains fit for purpose, taking into account the performance of the IFCA, the opportunity costs of holding the reserves, and other considerations such as the effect of inflation.

## **SOUTHERN IFCA RESERVES POLICY**

- 4.1.3 Following ratification by the Executive Sub-Committee and with regard to the Committees functions under the Standing Orders, The Reserve Policy update will subsequently be presented to the Authority.

### **4.2 In-Year Reviews**

- 4.2.1 It is the responsibility of the Chief Executive Officer and Accountant to prepare an in-year update for the attention of the Audit & Governance Sub-Committee and Executive Sub-Committee to include current reserve levels and forecasts to ensure that the reserves are still required and that the level remains appropriate. This will be completed following external audit of year end and as part of the annual budget setting process.
- 4.2.2 Forecasting ensures, so far as is possible, the continuing level of financial stability of the Authority's operations.
- 4.2.3 The annual reserves update will be presented following the approval of the annual accounts by external auditors, in order to justify the existing reserve and the reserves adequacy or otherwise for the following 10 years.
- 4.2.4 Given the opportunity costs of holding reserves, it is important that they continue to be reviewed as part of the budget process to confirm that they are still required and that the level is still appropriate.
- 4.2.5 Additional in year updates will be provided to the Audit & Governance Sub-Committee and Executive Sub-Committee when there is an update following external auditing, changes in practice, receipt of new funding channels and operational changes which provide an opportunity to revisit reserves to consider their adequacy.

## **5. PRINCIPLE TO ASSESS THE ADEQUACY OF RESERVES**

- 5.1 In order to assess the adequacy of unallocated General Reserves when setting the budget, the Chief Officer should take account of the strategic, operational and financial risks facing the authority and the expected/anticipated need for reserves in the longer term
- 5.2 The Executive Sub Committee is required to review at least once a year the effectiveness of its system of internal control. The financial risks of inappropriate levels of reserves should be part of this review.

## Reserves Update September 2024

Report by Jennifer Carr (Accountant) & Pia Bateman (CEO)

### A. Purpose

To provide Members with an in-year status update (accurate to September 2024) of the current Southern IFCA reserves in conjunction with the Projected 10-year Forecast, as set out in September 2023. Given the opportunity costs of holding reserves, it is important that they continue to be reviewed as part of the budget process to confirm that they are still required and that the level remains appropriate.

### B. Recommendation

That Members note the in-year status update.

### C. Annex 1: Projected 10-year Forecast (September 2023-September 2033) with 2024 updates

#### 1. Background

An update to the **Southern IFCA Reserves Policy** was approved by the ESC on 12 March 2024. This Policy sets out how the Authority will hold reserves for three main purposes:

- To establish and maintain an adequate balance of working capital to help cushion the impact of uneven cash flows
- To create a contingency to protect against the impact of unexpected events or emergencies and to ensure the Authority's long term sustainability
- To build up funds to meet known or predicted requirements often referred to as earmarked reserves. Though accounted for separately they are legally part of the General Reserve

Forecasting ensures, insofar as is possible, the continuing financial stability of the Authority's operations. Maintaining an appropriate level of financial reserves is considered essential to protecting the Authority from financial risk.

In accordance with the Southern IFCA Reserves Policy, the ESC, at three yearly intervals, agree to review the Policy to ensure it remains fit for purpose, taking into account the performance of the IFCA, the opportunity costs of holding the reserves, and other considerations such as the effect of inflation. **The next timetabled update will be March 2027.**

**It was agreed in March 2024 by the ESC that an annual presentation is made to the ESC, following the approval of the annual accounts by the Authority's external auditors, to justify the existing reserves and their adequacy for the (1) forthcoming budgetary period, in addition to highlighting any (2) subsequent updates to the 10 year forecast (September 2023-September 2033).**

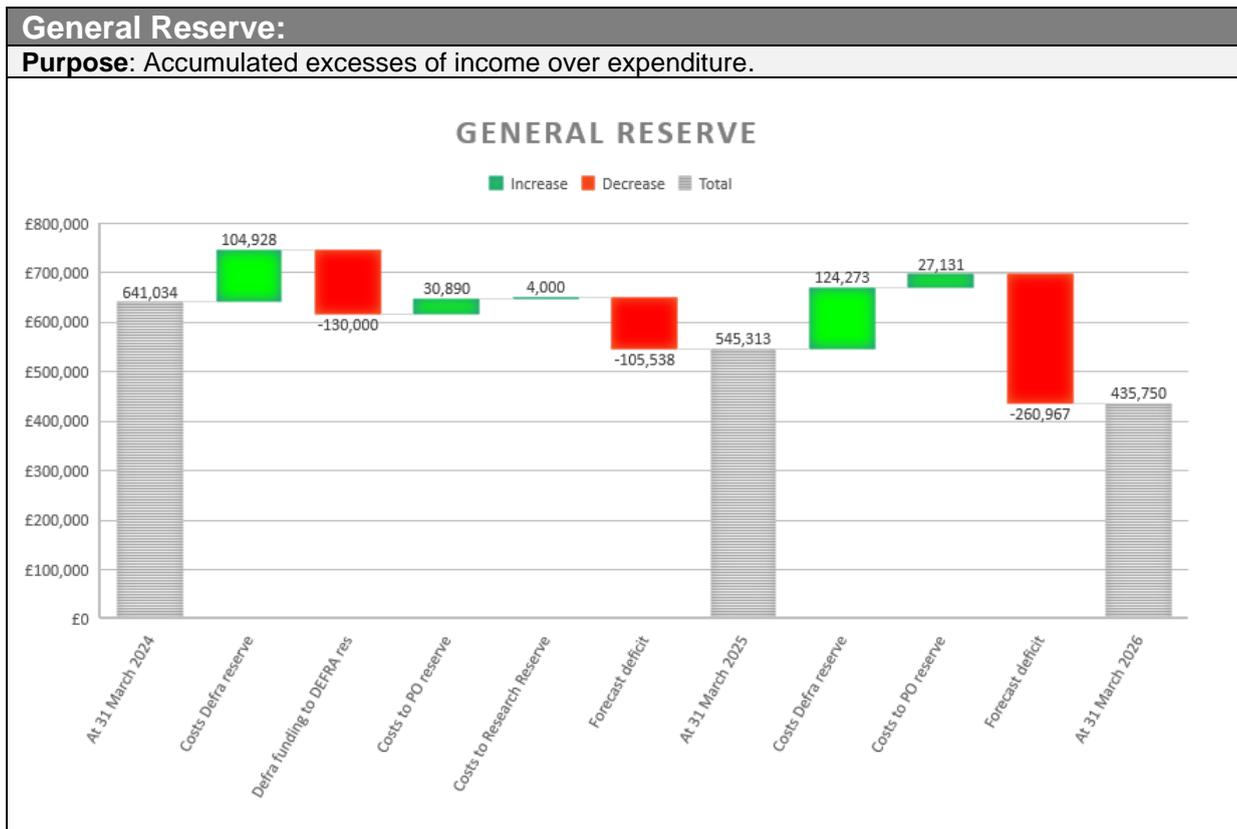
#### 2. Reserves: Forecast to year ended 31 March 2026

A forecast for reserves has been made to the year ended 31 March 2026. Comparison with previous years are provided below:

		2025-26	2024-25	2023-24	2022-23	2021-22
		FORECAST	FORECAST	ACTUAL	ACTUAL	ACTUAL
<b>General</b>		435,750	545,313	641,034	491,073	382,225
 	<b>Capital Finance</b>	868,254	858,533	859,110	768,807	638,881

<b>Marine Asset Renewal</b>	425,840	435,561	434,984	275,287	405,213
<b>Research</b>	19,943	20,903	24,903	16,000	-
<b>Poole Order</b>	21,767	48,898	80,081	118,791	121,770
<b>Defra Fisheries Act</b>	88,303	212,576	187,503	145,952	-
<b>Defra Capital Grant</b>	-	-	-	250,000	-
<b>TOTAL</b>	<b>1,859,857</b>	<b>2,121,784</b>	<b>2,227,615</b>	<b>2,065,910</b>	<b>1,548,089</b>
<b>Annual gross expenditure</b>	1,416k	1,261k	985k	814k	
<b>Prudential Indicator<sup>1</sup> for General reserve as a % of annual gross expenditure</b>	14%	26%	22%	16%	

**3. Reserves: In year Movements 1st April 2024 - 31st March 2026**



<sup>1</sup> In accordance with Section 3.1.3 of the Reserves Policy, the Prudential Indicator is set for the General Reserve at c.15% of annual gross expenditure, (NB – General Reserves less that earmarked for specific purposes. *Per 2022/23 accounts the indicator would be calculated as follows:*

General reserves	£1,006k
Less earmarked for specific purposes	£875k (*note 1)
Remaining general reserve	£131k
Gross expenditure	£814k
%	16%

note 1 – earmarked reserves include DEFRA revenue and capital reserves (£395k), Dilapidations and training (£30k) and amounts to be transferred to the Marine Asset Renewal Reserve (£450k)

	Monies In
	Hold
	Monies Out

Capital Finance Reserve	
<b>Purpose:</b> Equates to the net book value of the Authority's fixed assets register to provide a fund for the ongoing replacement of all the authority's capital assets (buildings, marine assets, vehicles and equipment).	
<b>Forecast movements:</b>	
	c.73k from Marine Asset Renewal Reserve to provide for fixed asset additions
	c.74k to Marine Asset Renewal Reserve representing asset depreciation therefore fall in value of assets

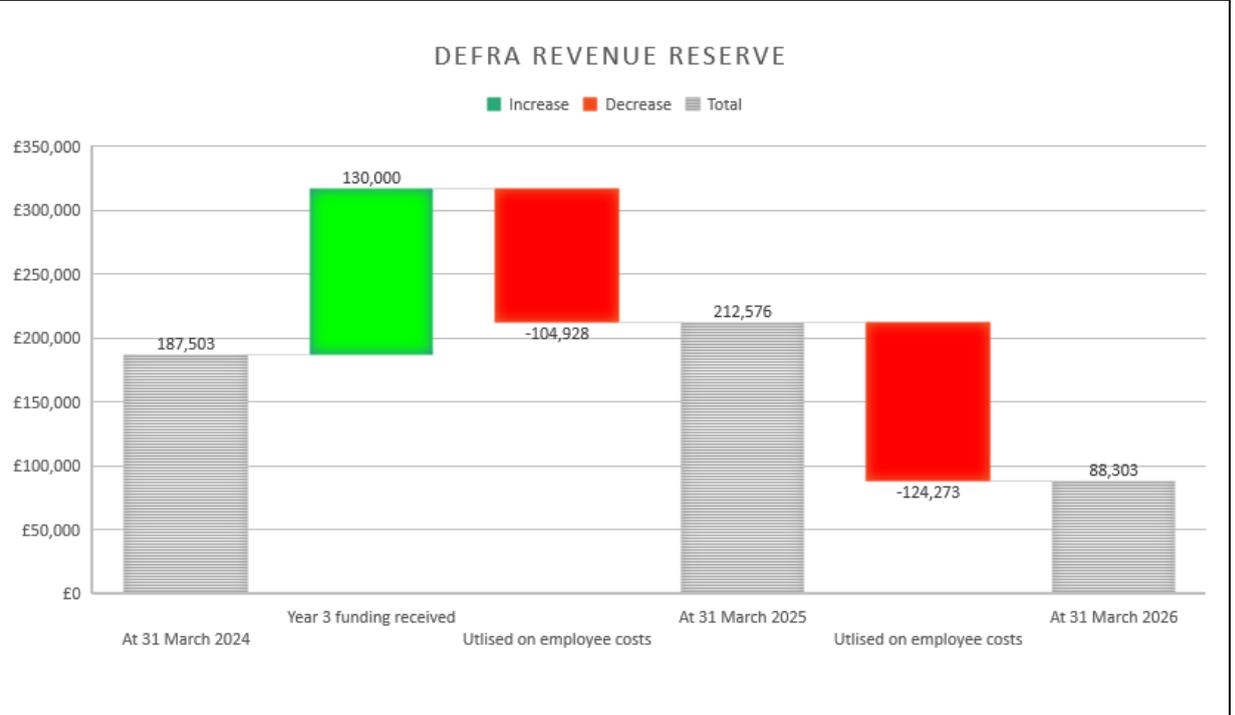
Marine Asset Renewal Reserve	
<b>Purpose:</b> To provide a fund for the replacement of marine assets (principally patrol vessels) where costs are anticipated to be in excess of net book value	
<b>Forecast movements:</b>	
	c.73k annual transfers to Capital Finance Reserve to cover fixed asset additions
	c.74k from Capital Finance Reserve representing depreciation on assets held
	No transfer from General Reserve deemed necessary for the period to 31 March 2026

Research Reserve	
<b>Purpose:</b> Created on 1 April 2020 to replace the Marine Act Reserve to fund ongoing work required by the MaCAA	
<b>Forecast movements:</b>	
	c.4k projected spend for rest of year - £1.2k NF, £1.9k Oyster survey and £1.3k scallop survey
<b>Explanation:</b> Brought forward reserve represents portion of money received from Perenco following Poole Harbour Oil Spill, recognising the mobilisation of the team and re-prioritisation of work across the organisation in response to the Major Incident (NB: c.12k paid to staff via in-year Cost of Living bonus received Summer 2023 to recognise the work that the team delivered during the intense 3 week period –The amount received via an in-year bonus equated to similar 'cost of living awards' paid to civil servants around the same time c.800).	

Poole Order Reserve	
<b>Purpose:</b> The Authority manage aquaculture activity within a defined area of Poole Harbour under The Poole Harbour Fishery Order 2015 (1346/2015). In accordance with Section 6(1) of this Order, The Authority is required to account for the relevant income and expenditure associated with its duties under this Order	
<b>Forecast movements:</b>	
	c.64k incoming lease fees projected for both 2024/25 and 2025/26
	c.64k Project Officer costs related to the employment of a Project Officer under a two year fixed term contract, c.44k proportion of other employee costs and c.12k legal fees.
<b>Explanation:</b> represents costs associated with employment of Project Officer under a two year fixed term contract (started 22 Jan 2024)* as well as transfer of annual costs (2.5% of all employee costs) for annual preparation of Management Plan update. * reoccurring need to employ a Project Officer to align with 5 year Lease Bed Renewal	

**Defra Fisheries Act Reserve**

**Purpose:** As part of the Government Spending Review 2021, Defra committed to a provision of funding (£150k per IFCA) for three financial years (2022-23, 2023-24 and 2024-25) in order for IFCAs to support Defra’s delivery of the Fisheries Act objectives, specifically those relating to Fisheries Management Plans, Marine Protected Areas and Marine Consents.

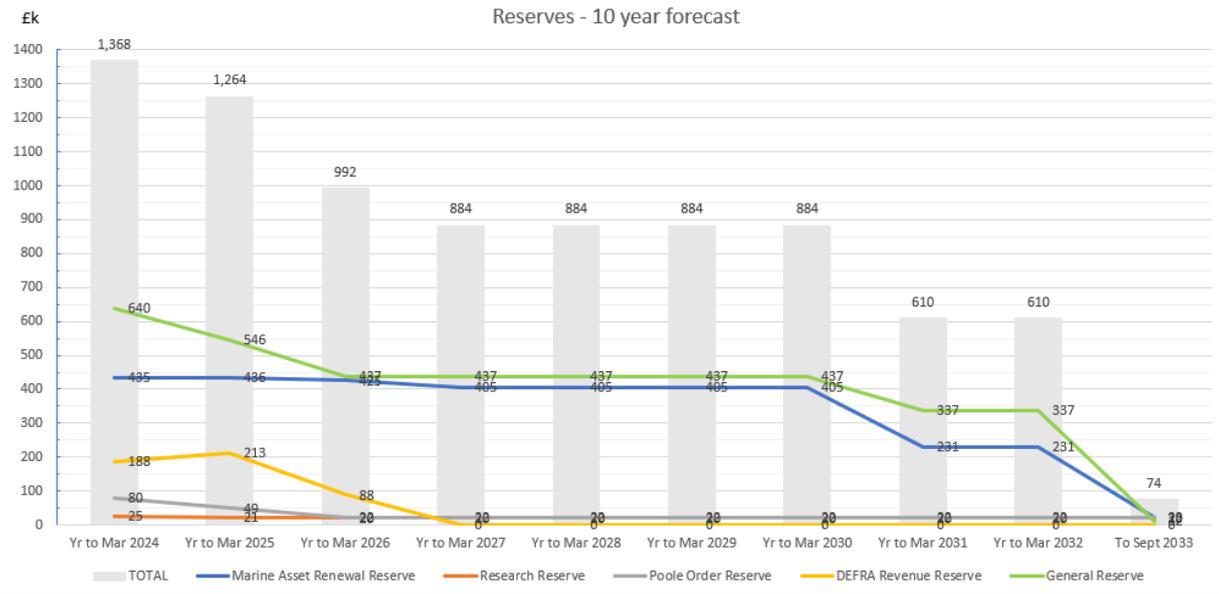


← c.229k spend on costs of 2 fixed term contract plus a proportion of a permanent member of staff costs.

→ £130k year 3 funding anticipated towards the end of 24/25

**Explanation:** We are currently working 1 year behind on the DEFRA funding due to the delay in receiving the initial funds. Therefore, the costs for employees on fixed term contracts continues into 25/26 which is why there is still a balance on the reserve at 31 March 2025 of c£212k. The remaining balance in the reserve at the end of 2026 of c£88k represents the agreed funds held in this reserve to ensure Southern could honour fixed term contracts in the event that Defra money was not forthcoming.

**Annex 1: Reserves 10 year Forecast: September 2023-September 2033**  
 2024 updates found in **green text**.



<b>Capital Finance Reserve</b>
<p><b>Purpose:</b> Equates to the net book value of the Authority’s fixed assets register to provide a fund for the ongoing replacement of all the authority’s capital assets (buildings, marine assets, vehicles and equipment).</p> <p><b>Forecast:</b> This will continue to match the value of the Fixed Assets held on the Balance Sheet. This is forecast to increase in 2031 and 2033 for the purchase of new vessels.</p>
<b>Marine Asset Renewal Reserve</b>
<p><b>Purpose:</b> To provide a fund for the replacement of marine assets (principally patrol vessels) where costs are anticipated to be in excess of net book value</p> <p><b>Forecast:</b> The current level of reserves is determined by the need to replace fixed assets and to fulfil statutory annual obligations. Statutory annual obligations are funded from the annual budget with the principal source of income being the annual levies. Previous excesses of income over expenditure have enabled fixed asset replacement reserves to be established so that when major fixed asset replacements are required the relevant reserves can be used.</p> <p>In order to test whether such reserves are adequate for future needs, the pattern of future major fixed asset purchases has been estimated. In practice this means the programme for maintaining /replacing the Authority’s three patrol boats, <b>as well as any drones</b>.</p> <p><b>FPV Vigilant</b>                  Stella Barbara will be replaced in 2023-24 by Vigilant, the new RHIB from Ribcraft, which is expected to be operational in <b>October 2024</b>. The cost of this new vessel is £298k, <b>however with the sale of Stella Barbara, £50k of berthing fees has been offset over the next 5 years to account for Vigilant’s berthing</b>, resulting in a net cost to SIFCA of £248k. In 2022-23, a capital grant of £250,000 was received from Defra to cover some of the cost of purchasing this new vessel.</p> <p>Due to the anticipated increase in operations, it is expected that the life of the Vigilant could be as low as 6 years. As such, the forecast reflects the replacement of this vessel in the financial year 2030-31 at a cost of £350k. We hope to recover sales proceeds of around £150k resulting in a net cost of £200k.</p> <p><b>FPV Protector</b>                  Protector is currently beyond its functional life although a recent engine replacement (2023) has provided an extension. It is expected that a replacement vessel will be procured in 2024-25 at an</p>

approximate cost of £120k. However, the sales proceeds from the old vessel are expected to be in the region of £50k. This replacement is currently on hold (during 2024-2025) due to delays in procurement and operational introduction of FPV Vigilant, with procurement to commence in 2025/2026.

#### FPV Endeavour

Endeavour is expected to be replaced in 2028-29 at a net cost of £40k (£70k for the new boat less £30k from sale of existing vessel). Additional consideration will be required in the 2025-2026 budget to ensure compliance of Endeavour with the MCA Workboat Code 3 – re: seating.

#### Drones

The life of the DJI Matrice Drone is currently unknown. There are no working models to learn from and as a new piece of kit in the world of fisheries and enforcement it is difficult to plan for a replacement. However, this has been added to the forecast to be replaced in 2026-27 at a net cost of £20K.

The forecast also incorporates a **holding pot** of £100k to cover unscheduled significant maintenance outside of regular maintenance considerations included in the budget, for example, an engine replacement.

In June 2022, the Authority formally agreed to the consideration of procuring a survey vessel. This is currently on hold due to the changing environment however, as Members have agreed to this we are holding £350k in the forecast for this purpose.

In order to continue to fund the replacement of new patrol vessels in the next 10 years, an annual transfer of £100k from the General Reserve will be required in 2030-31 and £325k in 2033. This equates to a total transfer of £425k. However, for both the survey vessel and the unscheduled maintenance it is difficult to forecast when these costs will be incurred. As such, it is likely that the suggested transfer from the General Reserve to the Marine Assets Renewal Reserve will be required earlier.

By March 2033 General Reserves show a small surplus of £12k with the Marine Assets Renewal Reserve in credit at £20k

Accepting that long range financial forecasts become less and less accurate the further out they go the above figures can be no more than ball park estimates. However, based on these figures the Authority's current reserves appear adequate for the foreseeable future.

### **Research Reserve**

**Purpose:** Created on 1 April 2020 to replace the Marine Act Reserve to fund ongoing work required by the MaCAA

**Forecast:** Anticipate an increase in this reserve during current financial year (2023/2024), following unexpected income as a result of work undertaken by Southern IFCA in response to the Poole Harbour Oil Spill in March 2023.

Anticipate a fall in reserve c.4k during 2024-2025 to cover work such as NFB Drift Net Project and Solent Scallop Survey (additional mid-season survey) in accordance with Annual Plan 2024-25.

### **Poole Order Reserve**

**Purpose:** The Authority manage aquaculture activity within a defined area of Poole Harbour under The Poole Harbour Fishery Order 2015 (1346/2015). In accordance with Section 6(1) of this Order, The Authority is required to account for the relevant income and expenditure associated with its duties under this Order

**Forecast:** It has been agreed by the ESC Committee that this Reserve will be used to fund a Project Officer for 2 years at approximately £100k. This considers the need to undergo the 2025 Lease Bed Programme of works, to begin Autumn 2023. This Reserve also considers c.40k for any legal costs associated with the ongoing management under the Poole Order. This will leave a balance of c.22k by March 2033. This account is replenished with lease holder fees annually.

### **General Reserve**

**Purpose:** Accumulated excesses of income over expenditure.

**Forecast:** The accumulated excesses of income over expenditure was c.153k in 2023-24 due to the delay of bringing Vigilant into operation and a number of other savings including staff.

The General Reserve accumulated excesses of income over expenditure is the only reserve that is not earmarked for a specific purpose. It represents resources that could be used at very short notice in the event of unexpected events or emergencies, to provide an adequate balance of working capital to help cushion the impact of uneven cash flows and to build up funds to meet known or predicted requirements. The reserve has been used to fund budget deficits in the past . It has also allowed Southern IFCA to freeze the levies raised from local authorities in 2023-24 at 2022-23 levels.

As covered under the Marine Assets Renewal Reserve, around c.425k (including inflation) of the c.546k funding through excess of income over expenditure is required to meet commitments in the Capital Programme.

These reserves do not therefore represent ‘spare’ resources and are being utilised as planned in future years. SIFCA’s approach to reserves is considered sensible and prudent. This has enabled SIFCA to operate in a planned and controlled way rather than having to make urgent unplanned decisions in order to reduce expenditure. This approach is well recognised across local government and a previous article in the Municipal Journal by the Director of Local Government at the Chartered Institute of Public Finance and Accountancy stated “What reserves do allow authorities to do is to take a more medium term view of savings and expenditure and make decisions that give the best value for money. This is better than having to make unnecessary cost reductions in the short term because they do not have the money or funding cushion to allow for real transformation in the way they provide services.”

It was agreed at the June 2023 ESC meeting that £10k be ringfenced for unforeseen staff training requirements and c.£20k for maintenance and improvements to the Poole office.

In order to continue to fund the replacement of new patrol vessels in the next 10 years, a transfer of £100K from the General Reserve will be required in 2030-31 and c325k in 2032-33. This equates to a total transfer of c.425k. By March 2033 General Reserves show a surplus of c.12k considering these transfers.

### Fisheries Act Reserve

**Purpose:** As part of the Government Spending Review 2021, Defra committed to a provision of funding (£150k per IFCA) for three financial years (2022-23, 2023-24 and 2024-25) in order for IFCAs to support Defra’s delivery of the Fisheries Act objectives, specifically those relating to Fisheries Management Plans, Marine Protected Areas and Marine Consents.

**Forecast:** In order to deliver the above listed functions, two Project Officers have been employed on fixed term contracts in addition to a part funding of an IFCO role. Taking into account these staff costs leaves £88k balance in the reserve at March 2026. However, there is currently no guarantee of receiving the 2024/25 funding of £130k from Defra. It was agreed to hold £50k pa in this reserve to ensure Southern could honour fixed term contracts in the event that Defra money was not forthcoming.

**Budget Forecast 2025-2026**

*Report by The CEO and the Accountant*

**A. Purpose**

To provide Members with a budget forecast for the financial year 1st Apr 2025 to 31st March 2026.

The Report is accompanied by a contextual narrative (Annex 1) which provides an overview of the 'Budget Setting Components' (key areas of work which Southern IFCA are required to deliver in the next financial year in accordance with statutory duties). Additionally, the paper describes a number of **known** and **unknown variables** which have been considered when presenting this budget forecast, as well as detail on **cost efficiencies** introduced during the current financial year (24/25), **proposed savings and income initiatives** for 2025-2026 and finally the projected health of the **Authority Reserves at 31<sup>st</sup> March 2025**.

**B. Recommendations**

1. That all Members of the Authority approve the principles informing the Budget Forecast for the Financial Year 1st April 2025 to 31st March 2026.

**C. Supporting Documentation for Further Information**

Annex 1: Background to Budget Forecasting

Annex 2: Budget Forecast 2025-2026

**1.0 Introduction**

To provide Members with a budget forecast for the financial year 1st Apr 2025 to 31st March 2026. This timeframe, rather than longer projections mirrors the timelines of the first phase of the Government's Spending Review which sets departmental budgets for the year 2025-2026, with the subsequent years to be considered by the Government at a later date.

Where possible the budget forecast is objective with estimations of income and expenditure mapped based on past and current data information as well as projected economic conditions. Due to the nature of the work that Southern IFCA deliver, aspects of the budget must remain conservative due to a need to build in contingency for expenditures, for example when considering cost associated with 'Prosecution Costs' or 'FPV Maintenance Costs'.

The budget forecast is designed to enable the delivery of the Authority's priorities in accordance with the IFCA's statutory functions.

**2.0 Summary of Budget Forecast**

Prior to inflationary projections, assuming a standstill (0%) in levy contributions, and with adjustments made following anticipated reserve transfers the budget forecast for the financial year 1<sup>st</sup> April 2025 to 31 March 2026 anticipates a **loss of c.109k**.

Expenditure Summary	Budget Forecast 2024-25	Budget Forecast 2025-26	Variance <sup>1</sup>
Business Services	979,006	1,129,589	-150,582

<sup>1</sup> Ongoing since 2023-24 the financial reporting systems have been revamped in order to align the budgets more accurately with operational delivery and team restructuring and function, as such direct comparisons across Main Headers should be treated with caution. Any expenses which have been reallocated to another or new header are marked red (removed) or green (new) on Annex 2.

Compliance & Enforcement	142,022	124,317	17,705
Research & Policy	38,370	34,259	4,111
Capital Equipment	101,804	127,635	-25,831
<b>Total</b>	<b>1,261,202</b>	<b>1,415,800</b>	<b>-154,597</b>
<b>Total Income</b>	<b>1,099,670</b>	<b>1,154,833</b>	<b>-55,163</b>
<b>Income over Expenditure</b>	<b>-161,532</b>	<b>-260,967</b>	<b>99,434</b>
<b>Total Reserve Movements</b>	<b>140,111</b>	<b>152,364</b>	
<b>Adjusted Income over Expenditure</b>	<b>-21,422</b>	<b>-108,603</b>	

### 3.0 Differences of +/- 5k when comparing to previous budget forecast

The projected loss is a direct result of the following:

Compliance & Enforcement	Costs associated with <b>FPV Vigilant</b> :	<b>c.68k</b>
	<ul style="list-style-type: none"> <li>Depreciation (under Capital Equipment): <b>↑33.8%, c.30k</b></li> <li>FPV Insurance (reflecting Vigilant): <b>↑167%, c.12k</b></li> <li>Fuel (combined): <b>↑84%, c.18k</b></li> </ul>	
	*New* CLUE Subscription: <b>c.8k</b>	
Business Services	Costs associated with increased <b>cost of living</b> :	<b>c.96k</b>
	<ul style="list-style-type: none"> <li><b>Staff salaries</b>: <b>↑3.9%, c.30k</b> to reflect 2024 NJC pay rise</li> <li>Anticipated <b>NJC pay awards 2025</b> at c.5%, <b>c.39k</b></li> <li>Increase in <b>NIC Employer Contributions</b> <b>↑25%, c.18k</b></li> </ul>	
	<b>Staff Training</b> to reflect additional legislative requirements to include sexual harassment, ICO&GDPR, fire, mental health, and mandatory operational requirements (drone): <b>↑43%, c.8k</b>	
Income	<b>Business Reserve interest</b> : <b>↑2400%, c.24k</b>	<b>56k</b>
	<b>Levy contributions included in 2024/25 numbers</b> (4% increase on 24/25 budget presented): <b>c.32k</b>	

**Total c.108k**

### 4.0 Cost savings & income initiatives 24-2025

A number of savings were identified during the current financial year totalling **c.60k**. Further details can be found in Part 4 of Annex A.

### 5.0 Proposed cost savings & income initiatives 25-2026

A number of savings have been identified for the forthcoming financial year. Actual projected savings total **c.12k**, which include operational and business services efficiencies. Unquantifiable savings include those associated with a change in Company Sick Pay eligibility for new employees. Unquantifiable income could include that associated with an update on charge out rates for officer time and marine assets, starting 1<sup>st</sup> April 2025, and timetabled reviews of fishing permit fees, to consider the fiscal implications of conducting survey & monitoring work.

### 6.0 Next Steps

Subject to approval of the Recommendation, the principles informing the budget forecast will be embellished to form the basis for the Southern IFCA Annual Strategy 2025-2026, for presentation to The Authority in March 2025.

## Background to Budget Forecasting 2025-2026

### Part One: Budget Setting Components

#### 1.1 Statutory Functions

##### Marine and Coastal Access Act, Section 153(2)

- a. Seek to ensure that the exploitation of sea fisheries resources is carried out in a sustainable way.
- b. Seek to balance the social and economic benefits of exploiting the sea fisheries resources of the District with the need to protect the marine environment from, or promote its recovery from, the effects of such exploitation.
- c. Take any other steps which in the authority's opinion are necessary or expedient for the purpose of making a contribution to the achievement of sustainable development.
- d. Seek to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the District.

##### Marine and Coastal Access Act, Section 154

Seek to ensure that the conservation objectives of any Marine Conservation Zones in the District are furthered.

##### The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, Regulation 63

Duties require Southern IFCA, as a defined competent authority, to make appropriate assessments of a plan or project which is likely to have a significant effect on a European Marine Site (EMS) (either alone or in combination with other plans or projects).

The Conservation Regs. 2019 transpose the land and marine aspects of the Habitats Directive<sup>6</sup> (Council Directive 92/43/EEC) and the Wild Birds Directive<sup>7</sup> (Directive 2009/147/EC) (known collectively as the Nature Directives) into UK statute. Under these Directives IFCAs must ensure that fishing activity does not damage, disturb or have an adverse effect on the wildlife or habitats for which a European Marine Site (EMS) is legally protected.

##### The Wildlife and Countryside Act 1981 Sections 28g and 28i

Southern IFCA must consider any Site of Special Scientific Interest (SSSI) with marine components, which are providing protection to species and/or habitat of national importance.

##### The Poole Harbour Fishery Order 2015

Southern IFCA manage aquaculture activity within a defined area of Poole Harbour (837.8 hectares) under the above named Order. In accordance with Section (1) of the Sea Fisheries (Shellfish) Act 1967, the Order confers on Southern IFCA the right of several fishery for the cultivation of shellfish of any kind for a period of twenty years from the 1st July 2015.

Under the terms of the Lease of Right of Several Fishery of Shellfish Laying in Poole Harbour, a third tranche of leases are required to be issued for the period 1st July 2025 to 30th June 2030.

#### 1.1.1 Primary Elements

The following outlines the primary elements that have informed the budget forecast for the forthcoming financial year, to ensure that Southern IFCA remain able to continue in the delivery of all statutory functions as specified under the Marine and Coastal Access Act (2009), The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019<sup>5</sup> and The Wildlife and Countryside Act 1981<sup>8</sup> and The Poole Harbour Fishery Order 2015<sup>1</sup>.

- To **collect data, undertake surveys** and carry out **stock assessments** in order to ensure that the best available evidence is used to inform both the development of, and continued delivery of existing fisheries management interventions. For further details please refer to pages 21-24 of the [Research & Policy Team Plan](#).

<sup>1</sup> [The Poole Harbour Fishery Order 2015 \(legislation.gov.uk\)](#)

- To continue the development of **MPA management** in accordance with the Government's 2023 Environmental Improvement Programme (EIP23); a revision of the 25 Year Environment Plan - specifically Phase II of the Bottom Towed Fishing Gear (BTFG) and Black Sea Bream management.
- To undertake annual **reviews of existing permit byelaws**, in line with specified statutory timelines, to include the Poole Harbour Dredge Permit Byelaw (PHDP), the Solent Dredge Permit Byelaw (SDPB) and the Net Fishing Byelaw (NFB).
- To maintain a **permit byelaw administration function**, adjusting to an anticipated increase in this area of work, pending ratification of the Pot Fishing by the Secretary of State (additional administration of c.230 permits - currently c.100 permits are issued annually under the SDPB, the PHDP and the NFB collectively, in addition to c.369 permits to fish on a two year rolling cycle).
- To deliver ongoing **compliance and enforcement functions across all IFCA byelaws**. For further details please refer to [All Regulations : Southern IFCA](#).
- To deliver a **compliance and enforcement function of all other relevant legislation** to ensure the protection and enhancement of the fisheries and marine environment, supporting regulatory delivery partners where applicable. For further details please refer to page 4 of the [Southern IFCA Strategic Plan 24-25](#).
- To provide **pay increases to all employees** in accordance with the National Joint Council (NJC) Pay Award, as set out in employee contracts.
- To meet the Government's requirement to increase **Employer National Insurance Contributions** by 1.2% and reduce the threshold level from £9,100 to £5,000 from the 1<sup>st</sup> April 2025.
- To comply with the additional requirements introduced under the **Employment Rights Bill 2024**.
- To **maintain core staffing levels** in accordance with existing levels (14 full time, 2 part time).

## Part Two: Known Variables

### 2.1 Employer National Insurance Contributions

Employer National Insurance Contributions (NICs) are taxes that employers pay on top of their employee's wages. These contributions help fund services like the NHS, state pensions and other social security benefits. From April 2025, employers' national insurance contributions will rise by **1.2%** to **15%** and the threshold for paying contributions on an employee's salary will be lowered from **£9,100** per year to **£5,000** per year.

The implications of these changes for the 2025-2026 budget are:

Employers' NIC @ 13.8% at a £9,100 Threshold	Employers' NIC @ 15.0% at a £5,000 Threshold	Increase
£71,144.61	£88,993.29	<b>£17,848.68</b>

## Part Three. Unknown Variables

### 3.1 Income: Levy Contributions

- The Southern Inshore Fisheries and Conservation (Amendment) Order 2019<sup>2</sup> states that the expenses incurred by the Authority must be defrayed by the relevant councils.
- Dorset Council, Hampshire County Council, Isle of Wight Council and BCP Council receive a grant from central government (via the New Burdens Doctrine<sup>3</sup>) of £329,425.
- The constituent Local Authorities (LAs) are levied in accordance with a prescribed formula (Table 1). Table 2 maps the levy contributions received from the LAs since 2010.
- It is unknown at the time of writing whether there will be an increase on the current levy received from the LAs. **The Budget Forecast assumes a standstill at 0%.**

Table 1: Levy formulas

Constituent Council	Formula (%)
Hampshire County Council	40.40
Dorset Council	24.79
Isle of Wight Council	14.35
BCP Council	11.14
Portsmouth City Council	5.02
Southampton City Council	4.30

Table 2: Levy contributions received since 2010

Budget Year	Levy	% change	Budget Year	Levy	% change
2010 - 11	£729,292	0%	2017 - 18	£743,878	2%
2011 - 12	£729,292	0%	2018 - 19	£758,755	2%
2012 - 13	£729,292	0%	2019 - 20	£773,931	2%
2013 - 14	£729,292	0%	2020 - 21	£789,409	2%
2014 - 15	£729,292	0%	2021 - 22	£789,409	0%
2015 - 16	£729,292	0%	2022 - 23	£813,091	3%
2016 - 17	£729,292	0%	2023 - 24	£813,091	0%
			2024 - 25	£845,615	4%

### 3.2 Income: Defra Fisheries Act Funding

- As part of the Government Spending Review 2021, DEFRA committed to a provision of funding (150k per IFCA) for three financial years (22-23, 23-24 and 24-25). The funding provision was to enable IFCA's to support DEFRA in their delivery of the Fisheries Act 2020 objectives, specifically Marine Protected Areas (MPA), Fisheries Management Plans (FMP) and Marine Consents work.
- In order to deliver the required functions, Southern IFCA employed an FMP Project Officer (in post January 2023) and a MPA Project Officer (in post May 2023) on a fixed term basis. The Marine Consents delivery requirements have been incorporated into BAU within the existing staff body.
- There remains a level of uncertainty regarding payments for the 2025-2026 financial year. Early indications suggest that (RDEL) **funding of £140k** will be received from Defra for a 1 year extension of the above mentioned additional functions delivery.

### 3.3 Costs: Rate of Inflation

The Autumn Budget Statement 2024 predicted the UK's inflation rate to average at **2.6%** in 2025. This is the rate of inflation that has not been applied to the 2025-26 Budget Forecast.

<sup>2</sup> [The Southern Inshore Fisheries and Conservation \(Amendment\) Order 2019 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

<sup>3</sup> <https://www.gov.uk/government/publications/new-burdens-doctrine-guidance-for-government-departments>

### 3.4 Costs: National Joint Council Staff Pay Awards

A 5% provision has been set in the budget forecast to cover the anticipated cost of nationally agreed annual pay awards. This figure is consistent with National Joint Council (NJC) pay agreements received over the last few years, specifically 1.75% in 2021-2022, and a fixed rate of £1,925 per employee (pro rata) in years 2022-23 and 2023-24 and £1,290 in 2024. These pay awards equate to a salary increase of between c.3% and c.10%.

In monetary terms, over the last four years the nationally agreed NJC annual pay increases have totalled c.£120k. With the exception of 2024-25 (where a levy increase directly aligned to meet the NJC pay award costs) these costs have been met by the General Reserve. It is anticipated that a 2025 pay award will follow a similar average 5% rise as seen in previous years.

### 3.5 Costs: FPV Vigilant

It was understood and agreed by the Authority that there would be an increase in operational costs associated with the introduction of FPV Vigilant. 2025-2026 will be the first full year that FPV Vigilant will be operational, following her entry into service in October 2024.

At the time of writing, an increase in operational costs have been calculated, informed by actuals, in addition to the outcomes of the RIBCRAFT sea trials conducted prior to FPV Vigilant entering service:

- FPV fuel increase: ↑84%, c.17k.
- Insurance increase (across all FPVs, with Vigilant causing largest increase): ↑167%, c.12k
- Depreciation costs: ↑33.8%, c.30k

Where possible, these anticipated costs have been offset by changes in operational practice, as captured in Part Four, which includes a reduction in vehicle fleet (2 sold in 2024-25 [c.19k], 1 pending sale 2025-26 [c.8.5k]). Subject to Southern IFCA maintaining delivery of its core functions. We will continue to provide chartering services to other organisations which will help to offset increases associated with delivery of operational function.

### 3.6 Costs: Employments Rights Bill 2024

This Bill was introduced into the House of Commons on 10 October 2024. As is typical for employment legislation, further detail on many policies in the bill will be provided through regulations after Royal Assent. The Government are likely to begin consulting on the majority of these reforms in 2025. Some changes have already been introduced (October 2024), whilst others will be consulted on in late 2024, with the Government anticipating that the majority of reforms will take effect no earlier than 2026.

Matters which may have budgetary implications:

- Changes to Statutory Sick Pay (cost unknown at time of writing).
- Additional employee and General Member training to prioritise fairness, equality and wellbeing of employees, to include a strengthening of employer's duty to take reasonable steps to prevent sexual harassment in accordance with The Worker Protection (Amendment of Equality Act 2010) Act 2023 which came into force on the 26th October 2024.

**Part Four: Cost efficiencies introduced during 2024/25**

	What	Saving/income pa
Bank Charges	Charges relating to payments over particular timeframe. Change in BST operations to ensure charges in exceptional circumstances only.	c.£200
Business Reserve	Up until March 2024 Southern IFCA's bank provided a savings return of 1.45% under the Business Reserve, which allows for instant access to funds. In 2022-2023 c.6k of bank interest was received. Following investment in a 95 day notice period Business Reserve (4.17%) c.12k of income has been generated between 1st April and 30th September 2024.	c.24k
TAS	Change in finance platform from TAS to Xero on the 1 <sup>st</sup> April 2024	c.£900
Version - vehicle	Removal of tracker on vehicles sold	c.£500
Teletrac - vehicle	Removal of tracker on vehicles (duplication)	c.1.2k
Eco points - vehicle	Offsetting eco initiative for company provider	c.£200
Zero Liability - vehicle	Removal of unnecessary protections when fuelling vehicles	c.£200
Mobile Phones	Renegotiation of contracts October 2024	c.3k
Science Direct	National initiative led by AIFCA. Southern IFCA opted out as service provided by open source.	c.1.7k
Reduction in vehicle fleet	Reduction of vehicle fleet (2 sold in 2024-25)	c.19k
AA Salary and associated costs	Re-grading and re-structuring of AA role to align with national average	c.6k
Introduction of published schedule of reasonable charges in accordance with the Environmental Information Regulations (EIR)	<ul style="list-style-type: none"> <li>In accordance with 8(1) of the EIR, from 1<sup>st</sup> April 2024, Southern IFCA <i>may</i> charge for time spent by Southern IFCA staff in locating, retrieving and collating the information in a format requested. This will be based on an hourly rate of £25 for any time spent which exceeds 2 hours.</li> <li>If the estimated time is anticipated to be more than 2 hours, then a fee notice will be sent to the applicant requesting the appropriate fee above and beyond the initial 2 hour period. The request for information will not be answered until the fee has been received.</li> <li><i>Example: An organisation that has been contracted by another to carry out a project which requires mapped data and GIS shape files that Southern IFCA own and hold for the purposes of inshore fisheries and conservation management, which are held in a differing format to that requested.</i></li> </ul>	Unknown, number of request significantly reduced since introduction of the published schedule.
Charge out fees of employee technical expertise	<ul style="list-style-type: none"> <li>National training function (Principal DCO)</li> <li>AIFCA Cockle FMP (DCO)</li> </ul>	c.3.5k
		<b>TOTAL c.60k</b>

**Part Five: Proposed savings & income initiatives 2025-26**

	What	Cost Saving/Income initiative
Change in eligibility for Company Sick Pay.	<p>New employees will become eligible for Company Sick Pay after three years' service (3 months full pay &amp; 3 months half pay), increasing to five years (6 months full pay &amp; 6months half pay). Formally eligibility for Company Sick Pay began in the first year of service (1 months full pay and [after 4 months service] 2 months half pay).</p> <p>Non eligible employees (those who have less than 3 years' service) will receive Statutory Sick Pay (SSP). SSP is the minimum statutory payment an employee is entitled to for periods where they are unable to work due to illness (2024: £116.75 pw, 2025: rate is currently under consultation). It is both administered and paid entirely by employers and is payable for up to 28 weeks per period of sickness absence.</p> <p>NB: all existing employment contracts, pre October 2024 to be honoured. As such, the cost saving is likely to be realised overtime (likely outside of 2025 budget, subject to staff movement and change).</p>	<p>Unknown. Anticipated savings based on Company Sick Payments made to employees between 1<sup>st</sup> April 24 and 1<sup>st</sup> October 24 of <b>£2,656.75</b> (equating to 29.5 days/4.21 weeks) would reduce to £491.52 under SSP. <b>This shows an 82% reduction in employer sick pay costs for a 6 month period.</b> NB: <i>costs to be realised over time (including and beyond 25/26 budget).</i></p>
Reduction in vehicle fleet	Building on cost saving initiatives in 2023-24 and 2024-2025, it is proposed to sell the VW Caddy, leaving three fleet vehicles.	c.8.5k plus reduction in tax, maintenance & insurance
Milk Float	Introduction of staff kitty for milk	c.£300
Update of Charge out fees of Marine Assets	<p>In line with inflation, updated charge out costs for officer time and use of marine assets has been updated for introduction 1<sup>st</sup> April 2025. Previous calculations were made in 2019.</p> <ul style="list-style-type: none"> <li>• Senior Officer 17%</li> <li>• Crew 9%</li> <li>• FPV Endeavour 27%</li> <li>• FPV Protector 26%</li> <li>• Vigilant vs. Stella B: 64%</li> </ul>	Unknown, subject to third party chartering uptake. Based on 2023-24 income relating to chartering this increase would be 68%.
Byelaw Legal Services	Reduction in provision for legal support for byelaw development, which reflects competence and familiarity of team. Last time legal support employed was in 2018/2019.	c.2.5k
Franking Machine	Cancel contract recognising that the online permitting platform will increasingly be performing the function.	c.800
IT Services	Review markets to ensure current providers are competitive. Currently providers cost 10kpa.	Unknown
Review of permit fees in line with timetabled reviews.	<ul style="list-style-type: none"> <li>• Southern IFCA do not make a profit on the issuing of permits to fish (wild) or farm (aquaculture) in the district.</li> <li>• Permit and lease fees relate to the following: <ul style="list-style-type: none"> <li>○ <b>Fish for Sale</b> – no charge</li> <li>○ <b>PHDP</b> - £675 (of which £75 accounts for MSC certification payback over 5 year period) (administrative cost only)</li> <li>○ <b>SDPB</b> – £215 (administrative cost only)</li> <li>○ <b>NFB</b> – £170 (administrative cost: c.£61, monitoring: £91)</li> <li>○ <b>Leasing of Aquaculture Beds</b> – variable fee, based on hectares leased, costs associated with annual review of Management Plan &amp; biosecurity considerations, costs associated with in year changes to business plans, administration costs, fee subject to inflation</li> </ul> </li> <li>• In most instances (aside from PHDP which has risen from £300 in 2015) permit fees have been fixed since their introduction and most reflect administrative costs only. Currently, costs are not recovered for survey and monitoring work. Fishing permits have not been subject to inflation.</li> <li>• Due to increased business costs associated with the administration and monitoring requirements of some permitted fisheries, permit fees will be considered in accordance with any future timetabled permit reviews and will be subject to appropriate consultations. This will be explored on a cost recovery basis only.</li> </ul>	Unknown

**Part Six: Health of Reserves: forecast for 31 March 2025**

The following captures the health of Southern IFCA’s Reserves, forecast to 31<sup>st</sup> March 2025, with March 2024 comparison.

Reserves are critical to understanding the health and stability of Southern IFCA. The reserves ensure that Southern IFCA can weather economic downturn, unexpected expenses and future investments without jeopardising the operational integrity of the Authority. Further details can be found in Authority Agenda Item E: Reserves Policy (March 2024 update).

Further details on in-year (2024-25) reserve movements can be found in Annex 2 to the Authority Agenda Item E: Reserves Update, September 2024.

	<b>Actual March 2024</b>	<b>Forecast March 2025</b>
<b>General Reserve</b>	641k	545k

<b>Ringfenced</b>	<b>Capital Finance Reserve</b>	859k	858k
	<b>Marine Asset Renewal Reserve</b>	435k	435k
	<b>Research Reserve</b>	25k	21k
	<b>Poole Order Reserve</b>	80k	49k
	<b>Fisheries Act Reserve</b>	188k	212k

Category	Nominal Ledger	Apr 24-Mar 25		Budget Informers		Apr 25-Mar 26		Notes		
		Budget (pre inflation)	April 2023- March 2024 (12 mo. actual)	April 2024- September 2024 (6 mo. actual)	Budget Forecast (pre inflation)					
Income	Levy	Hampshire County Council	329,499		341,629	341,629			Assuming standard levy contributions at 2024-2025 rate.	
		IOW Council	116,878		121,345	121,345				
		Dorset Council	201,537		209,599	209,599				
		BCP Council	90,607		94,231	94,231				
		Southampton City Council	34,963		36,362	36,362				
	Permits & Leases	Portsmouth City Council	40,817		42,449	42,449			45 permits at £800.00 c.52 permits at £215. Figure based on 2024 season uptake	
		Pooler Harbour Dredge Permits	27,000		27,000	27,000				
		Solent Dredge Permits Category A	7,740		11,180	11,180				
		Pooler Order Aquaculture Leases	32,160		32,803	32,803				
		Net Fishing Permit	2,890		1,870	1,870				
	Other	Pool Fishing Permit: Commercial	3,600		3,600	3,600			2% pa rise in line with Lease Contracts (2020-2025). Transferred to Pooler Order Reserve c.11 permits at £170. Figure based on 2023/2024 season uptake.	
		Pool Fishing Permit: Recreational	1,050		1,050	1,050				
		BCP Council Shellfish Sampling	2,939		3,785	3,785				
		Bank interest receivable	1,000	25,277	11,722	25,000				
		Unforeseen income (including chartering)	2,500	2,877		2,800				
Income		1,099,670	2,174	792	1,154,833					
Outgoings: Compliance & Enforcement	Vehicles	Vehicle Fuel	4,911						Moved under new header (BST: Fleet Management)	
		Maintenance	2,800						Moved under new header (BST: Fleet Management)	
		Insurance (combined)	2,000						Moved under new header (BST: Fleet Management)	
	Drone	Drone	2,073						Moved under new header (BST: Insurance)	
		Maintenance	3,600	635		3,000			Based on Actual 2024-25 (1x service pa [E250 & courier E100], meeting legal standards (c £500), speaker upgrade (c.1.9k) for intertidal (SG) and PHDP Green Island work - significant saving on mud works	
		Fuel	20,796	7,266		38,400			Previous budget informers unreliable due to sale of FPV Stella Barbara and delay in FPV Vigilant entering service. Based on anticipated no. of patrols for 3xFPV, incorporating sea trials data outcomes for FPV Vigilant. Based on 6 mo. Actual 2024-25. (c.£50 per patrol (1x48 weeks))	
	Fisheries Protection Vessels	Maintenance	15,000	18,673		15,000			Based on 6 mo. Actual 2024-25. (c.£250 per patrol (1x48 weeks)) NB: Pooler-Solent-Pooler - overestimation	
		Berthing	17,838	5,178		5,871			Estimate for FPV Vigilant based on sea trials (c.£500 per patrol (1x48 weeks)) NB: Pooler-Solent-Pooler - overestimation	
		Marine Insurance	7,600			9,996			Based on actual 2023-2024 for 2xFPVs plus knowns for FPV Vigilant & increasing costs for FPV Protector due to end of life costs.	
	Projects	REM AI NFB Project Phase 1	5,000			5,000			Lifting x2 (c.1k per lift), annual engine servicing (c.1k), coding (c.1k), unknown components (c.2k)	
		REM AI PFB Project Phase 1	5,000			5,000			Based on Actual 2024-25 for 2 x FPV.	
	Training	National C&E Training	10,180						Based on Actual 2024-25	
		Boarding & Pacing	1,750						Based on Actual 2024-25	
	Other	Personal Protective Clothing	3,130						Five year berthing agreement (50k) with PHC (Oct 2024-Oct 2029) recharge = 833pcm	
		Enforcement Equipment	2,227	1,167		1,800			Moved under new header (BST: Insurance)	
Industry Compliance Aids		1,787	566	919	1,800			Unspent during previous financial year - roll over. Funds to be sourced from Fisheries Act Reserve.		
Expenditure		142,022			124,317					
Outgoings: Research & Policy	Developing Management	Byelaws - Adverts	7,847			9,099			3 x byelaws to be advertised for 2 consecutive weeks across District. Based on Actuals 24-25 of which £3,033 MPA relevant to be sourced from Fisheries Act Reserve	
		Legal Services - Byelaws	4,500			2,000			Provision for legal assistance if required (NB: reduced as hasn't been required since 2018/19)	
		Community Engagement	960			1,250			BAU engagement (pre/post season meetings PHDP, SDPB)	
	Monitoring Programme	Pooler Bivalve Survey	960			960			2 days/Apr/E480 per day	
		Solent Scallop Survey	4,320			4,320			3 days/3pa. (Apr/Sept/Jun)/E480 per day, of which £1,440 (Jan) to be sourced from Fisheries Act Reserve, 2/3 Research Reserve	
		Solent Bivalve Stock Assessment	2,880			2,880			3 days/2pa. (Mar/Sept)/E480 per day	
	Subscriptions & Memberships	Whelk Sampling	600			600			Purchase WHKs at £150 per vessel (4 sampling)	
		Whelk Monitoring Programme Pilot CPUE	5,148			500			Unspent during previous financial year. Funds to be sourced from Fisheries Act Reserve	
		Oyster Survey (every 2 years)	1,950			2,000			3 days/1pa/E950 per day. Two year cycle - next 2026-2027	
	Other	NFB Drift Net Project	1,200			2,000			Unspent during previous financial year. Funds to be sourced from Fisheries Act Reserve	
		Survey Equipment and Maintenance	1,000	225	173	800			Maintenance of 2x bivalve dredge (€200 per), replacement of 2x handheld GPS units (€175 per) and misc for smi equipment	
		Science Direct							(formally under subscriptions) removed - no longer subscribe	
	Expenditure		38,370			34,259			(formally under subscriptions) Based on actuals 2024-2025	
	Outgoings: Business Services	Estate	Office General	11,161			14,100			Based on combined 6mo. Actual 2024-2025
			Office Energy	7,152	32,089					Moved Under Office Rates
Office IT			13,425						Moved Under Office General	
Finance		Contractors & Services				26,058			Based on 6mo actuals 2024-2025	
		Communications	7,239						Moved under Contractors & Services	
		Insurance	17,381						Moved under new header 'BST: Insurance'	
Vehicle Fleet Management		Office Rates	21,516			30,000			Based on 6mo. Actual 2024-2025, Council Tax (€19,835pa), Water&sewage (€595 up 21%pa), waste & recycling (€744pa), includes electricity (€8784pa) (previously a separate header)	
		Equipment (<€500)	2,000	489	836	2,000			Based on 6mo. Actual 2024-2025	
		Secure off site Parking	2,160						Moved under Office General	
Subscriptions		Miscellaneous	3,000	2,421	616	2,000			Based on 6mo. Actual 2024-2025	
		Financial Audit Costs (external)	3,600	3,300	3,500	3,600			Based on 6mo. Actual 2024-2025	
		Xero Software	660			396			E33pcm	
Meetings		Paycycle	1,164		2,367	2,367			Year 1 accounting mistake from service provider explains variance. c.197pcm	
		Bank charges	1,000	949	305	600			Based on 2024-2025 actual	
		Personnel				11,324				
Insurances	Legal Protection Services				188					
	Personal Accident				1,265					
	Directors & Officers Policy				1,125					
Staff Costs	Fidelity Guarantee Policy				6,232					
	Terrorism Policy				121					
	PII				3,356					
Expenditure			30,966		4,234			Based on 2024-2025 insurance premiums (€35,247 + additional 6mo FPV Vigilant).		
Outgoings: Capital Equipment	Vehicle Fleet Management	Combined Marine Assets				22,457				
		Drone				2,148				
		Hull & Machinery				3,009				
	Subscriptions	Hull & Machinery (6mo Vigilant x2)				5,538				
		Marine P&I				4,799				
		Combined Marine Trade				7,043				
	Meetings	Vehicle Fuel		5,174	2,255	4,510			Based on 6mo. Actual 2024-2025	
		Maintenance			776				Based on 6mo. Actual 2024-2026	
		Roadside Assistance (combined)				406			Based on 6mo. Actual 2024-2025	
	Members Expenses	Toyota Hilux (HG69 KVH)				183			Based on 6mo. Actual 2024-2025	
		Toyota Hilux (HF17 YXS)				1,025			Based on 6mo. Actual 2024-2025	
		VW Caddy (HJ70 GXZ)				1,310			Based on 6mo. Actual 2024-2025	
	Staff Costs	Ford Transit (HG73 CFE)				400			Based on 6mo. Actual 2024-2025	
		Combined		5,214	2,164	4,328			Based on 6mo. Actual 2024-2025	
		Toyota Hilux (HG69 KVH)				1,260			Based on 6mo. Actual 2024-2025	
Meetings	Toyota Hilux (HF17 YXS)				312			Based on 6mo. Actual 2024-2025		
	VW Caddy (HG70 GXZ)				192			Based on 6mo. Actual 2024-2025		
	Ford Transit (HG73 CFE)				400			Based on 6mo. Actual 2024-2025		
Members Expenses	Road Tax (combined)		105		105			Based on Actual 2024-2025		
	Vehicle Tracking (Verizon)		672		672			Based on 6mo. Actual 2024-2025 (€168 x 4 vehicles)		
	All Star Network Service Charge		48		48			Based on 6mo. Actual 2024-2025		
Staff Costs	Road Tax (combined)		1,007	1,310	1,310			Based on Actual 2024-2025		
	General	4,520	2,950		1,939			FAIC/300), Fishing News (€576), Solent Forum (€944)		
	AIFCA Annual Membership	14,088		13,993	14,343			Anticipating 2.5% uplift based on NJC national pay awards		
Meetings	Permit database	1,170						Cost now captured in Contractors & Services		
	Authority Meetings	2,500	1,991	336	2,500			Based on 2023-2024 actual for venue hire (RNL), Dorchester, Winchester, Lighthouse) and associated officer expenses, plus Working Group costs		
	COG				250			(moved from officer expenses) 1 x in person pa		
Staff Costs	AIFCA Annual Forum				250			(moved from officer expenses) 1 x in person pa		
	NIMEG				250			(moved from officer expenses) 1 x in person pa		
	TAG				250			(moved from officer expenses) 1 x in person pa		
Members Expenses	Community Drop In Surgery				250			4 x Community Engagement (venue & refreshments)		
	Recruitment	4,000	12,892	628	3,000			c. 1k per staff campaign		
	Legal Services	4,000	490	2,820	5,500			Based on actual 2024-25		
Staff Costs	Employment Costs	Salaries and Other Labour Costs	744,298	821,479	791,757			of which Project Officers are funded via reserve transfers		
	LGA Pension Scheme	101,622	92,759	103,255	38,696			of which Project Officers are funded via reserve transfers		
	2025 NJC Pay Award				3,900			Anticipates 5% based on previous 3 years pay awards, of which Project Officers are funded via reserve transfers		
Members Expenses	National MMO Trainer Contributions				4,980			MMO Trainer salary contribution: E4980 (1/10 IPCAs)		
	National Torquay Course (C&E)				1,300			Course payments pp £1,300 (Torquay Competent Officer x2, Advanced equivalent x1)		
	National Torquay Course (Environment)				1,720			1pa with new vessel		
Members Expenses	Boarding & Pacing				4,328			2xGT CW's (E749), 6 x ENG's (E115), Drone Flight Training (€700) x2		
	Mandatory C&E Certificates & Training				4,600			First Aid (€600), Fire Warden (€750), Conflict resolution (€850), Mental Health Officer (€400), ICO & GDPR (€1,200), Worker Protection Act 2023 (€800)		
	Mandatory Training (non C&E)				3,200			Average £200 x 16 staff of which of which Project Officers are funded via reserve transfers		
Members Expenses	Professional Development	2,250			700			Team Building Day		
	Wellbeing & Retention Initiatives				4,250			Based on actuals 2023-2024		
	Officer Expenses (combined)	4,600	4,389	1,004	4,250			Based on 6 mo. actuals 2024-2025		
Members Expenses	Chairman's Fund	1,000	62	434	1,000			Based on actuals 2023-2024		
	Member Networking & Engagement	1,000	795		800			Based on actuals 2023-2024		
	MMO apprentice expenses	2,500	1,327	3,295	2,500			Based on 6 mo. actuals 2024-2025		
Expenditure		979,806			1,129,589					
Outgoings: Capital Equipment	Premises Depreciation	4,988			5,195			Based on Fixed Asset Register forecast		
	Equipment Depreciation	3,864			3,488			Based on Fixed Asset Register forecast		
	Vehicles Depreciation	10,688			8,856			Based on Fixed Asset Register forecast - this has decreased as vehicle fleet reduced from 6-4		
Expenditure		82,284			110,096			Based on Fixed Asset Register forecast - this covers a full year of depreciation for Vigilant.		

Budget Forecast 2024-25		
Business Services	979,006	1,129,589
Compliance & Enforcement	142,022	124,317
Research & Policy	38,370	34,259
Capital Equipment	101,804	127,838
<b>Total</b>	<b>1,261,202</b>	<b>1,416,003</b>
<b>Total Income</b>	<b>1,099,670</b>	<b>1,154,833</b>
<b>Income over Expenditure</b>	<b>-161,532</b>	<b>-260,967</b>
<b>Reserve transfers</b>		
Fisheries Act Reserve	104,528	124,273
Pooler Order Reserve	31,183	27,131
Research Reserve	4,000	960
<b>Adjusted income over expenditure</b>		<b>-108,603</b>

## Proposed Levy Contributions 2025-2026

Report by The CEO

### A. Purpose

To seek levy contributions from the six constituent Local Authorities in accordance with The Southern Inshore Fisheries and Conservation (Amendment) Order 2019<sup>1</sup> which states that the expenses incurred by the Authority must be defrayed by the relevant councils.

### B. Recommendation

1. That Elected Members<sup>2</sup> of the Authority approve that Southern IFCA's six constituent Local Authorities are levied for the financial year 1st April 2025 to 31st March 2026, at a rate of either:
  - a) **6.72%** which equates to an increase of **£57k**, a figure reflective of the 2025 NJC Pay Award and additional Employer NICs.
  - b) **4.61%** which equates to an increase of **£39k**, a figure reflective of the 2025 NJC Pay Award only.
  - c) **2.11%** which equates to an increase of **£18k**, a figure reflective of additional Employer NICs only.
  - d) **0%** which equates to a standstill on levy contributions.

### 1.0 Introduction

- Paragraph (16) of The Southern Inshore Fisheries and Conservation (Amendment) Order 2019 states that the expenses incurred by Southern IFCA must be defrayed by the relevant councils.
- Dorset Council, Hampshire County Council, Isle of Wight Council and BCP Council receive a grant from central government (via the New Burdens Doctrine<sup>3</sup>) which totals £329,425.
- The constituent Local Authorities (LAs) are levied on an annual basis in accordance with a prescribed formula (Column B, Table 1).
- The total LA levy contributions in 2024-2025 were £845,615. **This was a 4% increase on the previous year, representing a total monetary increase of £32,524.**

Constituent Council	Formula (%)	Levy 2023-2024 (£)
Hampshire County Council	40.40	341,629
Dorset Council	24.79	209,599
Isle of Wight Council	14.35	121,345
BCP Council	11.14	94,231
Portsmouth City Council	5.02	42,449
Southampton City Council	4.30	36,362
		845,615

- The following provides a breakdown of contributions since 2010.

Budget Year	Levy	% change	Budget Year	Levy	% change
2010 - 11	£729,292	0%	2017 - 18	£743,878	2%
2011 - 12	£729,292	0%	2018 - 19	£758,755	2%
2012 - 13	£729,292	0%	2019 - 20	£773,931	2%
2013 - 14	£729,292	0%	2020 - 21	£789,409	2%
2014 - 15	£729,292	0%	2021 - 22	£789,409	0%
2015 - 16	£729,292	0%	2022 - 23	£813,091	3%
2016 - 17	£729,292	0%	2023 - 24	£813,091	0%
			2024 - 25	£845,615	4%

<sup>1</sup> The Southern Inshore Fisheries and Conservation Order 2010 ([legislation.gov.uk](https://www.legislation.gov.uk)), The Southern Inshore Fisheries and Conservation (Amendment) Order 2019 ([legislation.gov.uk](https://www.legislation.gov.uk))

<sup>2</sup> In accordance with Standing Order (77), the vote on the budgetary motion is to be undertaken by Elected Members only.

<sup>3</sup> <https://www.gov.uk/government/publications/new-burdens-doctrine-guidance-for-government-departments>

## 2.0 Summary of Key Points

- Prior to inflationary projections, the budget forecast for the financial year 1<sup>st</sup> April 2025 to 31 March 2026 anticipates a loss of **c.109k**.
- Whilst Southern IFCA are able to achieve a balanced budget drawing from the General Reserves to match the anticipated deficit, **c.39k** of the deficit relates to anticipated nationally agreed Pay Award and **c.18k** relates to an increase in NIC Employer Contributions in accordance with the UK Government requirement.
- Since 2021 the nationally agreed National Joint Council (NJC) Pay Awards have equated to c.120k, a cost which has been met by the Southern IFCA Reserves in years 2021, 2022 and 2023. More recently in 2024 this cost (c.32k) was met by a levy uplift of 4%.

## 3.0 Options to address the forecasted budget overspend

- To continue to support the AIFCA in their national work which is exploring the **future funding arrangements** with Defra (New Burdens doctrine and Fisheries Act funding).
- To introduce a **temporary restriction on backfilling staff vacancies** across the Compliance & Enforcement and Research & Policy Teams during the forthcoming financial year.
- To implement **cost savings and income initiatives** in accordance with those proposed in Part 5 of Annex 1 to the Budget Forecast paper, recognising efficiencies of scale.
- To **draw on existing General Reserves**, recognising that this is not a sustainable finance model to maintain and carries associated risk (£491k correct as of 31<sup>st</sup> March 2024).
- To **increase the Levy contributions**.
  - Whilst Southern IFCA recognise the extreme financial pressures that our constituent LA's are under, competent management of Southern IFCA's finances over a number of years shouldn't negate consideration of an increase in LA levy contributions, in order to recognise, as a minimum, the cost of nationally agreed Pay Awards and the impact of the Government additional Employer NIC requirements.
  - Seeking an increase in levy contributions is an approach consistent with all of the other IFCAs, specifically: 3% (NE), 4% (SX), 6.75% (D&S), 10% (E), 10.5% (NW), as well as the AIFCA (2.5%) [*unknowns % increases at time of writing: N, K&E, CW, IOS*]
  - The following table identifies the financial impact that the proposed increases in levy contributions would have for each LA:

Constituent Council	+6.72% (£)	+4.61% (£)	+2.11% (£)
Hampshire County Council	22,957	15,749	7,208
Dorset Council	14,085	9,663	4,423
Isle of Wight Council	8,154	5,594	2,560
BCP Council	6,332	4,344	1,988
Portsmouth City Council	2,853	1,957	896
Southampton City Council	2,444	1,676	767

## 4.0 Next Steps

Subject to approval of the Recommendation, Southern IFCA's six constituent LAs will be levied at the agreed rate and no later than the 14<sup>th</sup> February 2025, in accordance with appropriate legislations.

### Shore Gathering Byelaw and Fishing for Cockles (Amendment Byelaw)

Report by DCO Birchenough and Senior IFCO Condie

**A. Purpose**

For Members to consider the submission of the Shore Gathering Byelaw and the Fishing for Cockles (Amendment) Byelaw to the MMO for confirmation by the Secretary of State.

**B. Recommendation**

That the Authority submits the Shore Gathering Byelaw and the Fishing for Cockles (Amendment) Byelaw to the MMO for confirmation by the Secretary of State.

**C. Supporting Documentation for Further Information**

- Annex 1 – Executive Summary (contextual overview of work to date), September 2024
- Annex 2 – Shore Gathering Byelaw
- Annex 3 – Fishing for Cockles (Amendment) Byelaw
- Annex 4 – Impact Assessment
- Annex 5 – Table summarising all additional responses received

*In addition to the Byelaw package annexed to this report, the supporting documentation which underpins the Byelaws are available on the Southern IFCA website at <https://www.southern-ifca.gov.uk/ongoing-reviews>.*

## 1.0 Background

- Following the decision on 19th September 2024 to make the above-named byelaws, Southern IFCA undertook a period of Formal Consultation, concluding on 14th November 2024. **Four objections** were received, a summary of which are provided in Table 1.
- The IFCA Byelaw Guidance outlines how the Authority should:
 

*‘...examine all timely objections before the byelaw is submitted for confirmation, respond in writing to objectors and, where appropriate, liaise with objectors with a view to resolving the objection. The IFCA may wish to consider amending the byelaw in light of those objections. Objections that cannot be resolved do not preclude confirmation, but the IFCA must provide a sufficient explanation as to why they have decided to disregard the objections. When responding to objectors, IFCA’s should explain that their objections have been considered and why the byelaw has not been amended as they might have wished...’.*
- Additionally, 7 other responses were received: 1x providing supplementary information, 4x support but seeking additional intervention, 1x letter of support, 1x letter of enquiry. Summaries of these are provided in Annex 5.

## 2.0 Key Considerations

- On 7<sup>th</sup> November, the TAC considered a summary of responses received to date (2 objections), and approved the indicative scope of the proposed Southern IFCA responses. A summary of the TAC discussion is included in Table 1. Based on the subsequent responses received post 7<sup>th</sup> November, a TAC Working Group was not required to be convened.
- **In accordance with Standing Orders, the ESC are due to consider all objections received and draft responses to said objections on the 3<sup>rd</sup> December 2024. A subsequent verbal update will be provided at the Authority Meeting on the 5<sup>th</sup> December 2024, as part of this agenda item. Additionally, the ESC will be invited to consider responses which provide supplementary information as well as those that seek additional intervention.**

**Table 1: Summary of objections received during the Formal Consultation**

No.	Sector	Consideration by TAC on 7 <sup>th</sup> November
	Commercial	Yes – No further comment
1	<b>Summary of objection</b>	
		<ul style="list-style-type: none"> <li>• There is a common law right to harvest shore gathered shellfish under the Magna Carta.</li> <li>• The proposed byelaws are reducing fishing opportunities for new entrants to the fishing industry.</li> <li>• Southern IFCA’s priority is the Habitats Directive rather than encouraging new entrants to the industry and</li> </ul>

		therefore there is a disregard for future food security.
	<b>Details of liaison with objector:</b>	n/a
	<b>Summary of Southern IFCA response</b>	
	<ul style="list-style-type: none"> <li>From the case law it is established that the public right can be regulated.</li> <li>The proposed Byelaws do not propose to limit access to shore gathering activities for new entrants.</li> <li>Southern IFCA, as a "Competent and Relevant Authority," has regulatory duties relating to marine conservation.</li> <li>Southern IFCA carried out a targeted engagement exercise which concluded the economic impact of the proposed measures is expected to be minimal.</li> </ul>	
<b>No.</b>	<b>Sector</b>	<b>Consideration by TAC on 7<sup>th</sup> November</b>
	Commercial	Yes – Details below
	<b>Summary of Objection</b>	
	<ul style="list-style-type: none"> <li>Restriction of push netting in The Fleet will impact the ability to collect bait for rod and line fishing and the ability to obtain a food source during the winter months.</li> </ul>	
	<b>Consideration by TAC on 7<sup>th</sup> November</b>	
	<ul style="list-style-type: none"> <li>Members discussed the matter raised in the context of IFCA's legal duties where the proposed prohibition is required to protect sensitive features.</li> <li>Members discussed the best available evidence used to assess potential impacts of activities and the risks to designated features such as seagrass and bird species in The Fleet from all shore gathering activities. These sensitivities justify a permanent closure to fulfil legal obligations.</li> <li>Members asked that this matter be captured in the Impact Assessment.</li> </ul>	
2	<b>Details of liaison with objector</b>	
	<ul style="list-style-type: none"> <li>Officers engaged directly with the respondent.</li> <li>The resulting information was a cost of an additional £11 per day on bait, 4-7 days a week every week of the year, as well as £2 once a week on food from November to March.</li> <li>Between 5-6 other participants would face a similar impact.</li> <li>The maximum financial impact has been incorporated into the Impact Assessment.</li> </ul>	
	<b>Summary of Southern IFCA Response</b>	
	<ul style="list-style-type: none"> <li>Southern IFCA has regulatory duties relating to marine conservation. In meeting legal duties in relation to SACs and SPAs, Southern IFCA are unable to consider social or economic factors.</li> <li>The Fleet contains designated seagrass habitat and bird features requiring management. The management development process is described in the Conservation Assessment Package.</li> </ul>	
<b>No.</b>	<b>Sector</b>	<b>Consideration by TAC on 7<sup>th</sup> November</b>
	Commercial	No - Response received post TAC
	<b>Summary of objection</b>	
	<ul style="list-style-type: none"> <li>Objection to a proposed permanent prohibited area in proximity to Hill Head, Southampton Water that will impact ability to make a living.</li> </ul>	
	<b>Details of liaison with objector</b>	n/a
3	<b>Summary of Southern IFCA Response</b>	
	<ul style="list-style-type: none"> <li>Southern IFCA has regulatory duties relating to marine conservation. In meeting legal duties in relation to SPAs, Southern IFCA are unable to consider social or economic factors.</li> <li>The area referenced is a proposed permanent prohibition area designated to protect seagrass beds. Approximately two thirds of this area is already prohibited under the Southern IFCA Prohibition of Gathering (Sea Fisheries Resources) in Seagrass Beds Byelaw.</li> </ul>	
<b>No.</b>	<b>Sector</b>	<b>Consideration by TAC on 7<sup>th</sup> November</b>
	Commercial	No - Response received post TAC
	<b>Summary of objection</b>	
	<ul style="list-style-type: none"> <li>Objection to areas proposed as "<i>marine safety zones</i>" in proximity to Hill Head.</li> <li>Frustrations relating to shellfish classification.</li> </ul>	
4	<b>Details of liaison with objector</b>	
	<ul style="list-style-type: none"> <li>Officers engaged directly with the respondent to clarify the understanding of "<i>marine safety zones</i>" and confirm the specific area of concern.</li> </ul>	
	<b>Summary of Southern IFCA Response</b>	
	<ul style="list-style-type: none"> <li>Southern IFCA has regulatory duties relating to marine conservation. In meeting legal duties in relation to SPAs, Southern IFCA are unable to consider social or economic factors.</li> <li>The area referenced is a permanent prohibition area designated to protect seagrass beds. Approximately two thirds of this area is already prohibited under the Southern IFCA Prohibition of Gathering (Sea Fisheries Resources) in Seagrass Beds Byelaw.</li> <li>Shellfish classification is the statutory responsibility of the Food Standards Agency.</li> </ul>	

## September 2024 Authority Meeting Shore Gathering Byelaw and Supporting Documentation Decision Paper

Report by DCO Birchenough

### A. Purpose

For Members to consider making the proposed Shore Gathering Byelaw and the Fishing for Cockles (Amendment) Byelaw.

Upon the recommendation of the Technical Advisory Sub-Committee (TAC), Members were provided with written notice of the intention to make the Byelaws at least 14 days prior to the date of this meeting.

### B. Recommendation

1. That the Authority proceeds to make the Shore Gathering Byelaw.
2. That the Authority proceeds to make the Fishing for Cockles (Amendment) Byelaw.
3. That both Byelaws are advertised in accordance with IFCA Byelaw Guidance from Defra<sup>1</sup>.
4. That the Authority agrees to implement the Seaweed Harvesting Code of Conduct in line with the ratification of the Byelaws.
5. That the TAC will consider outcomes of the Formal Consultation, prior to review by the Executive Sub-Committee, who, under delegated powers, are required to report with recommendations to the Authority following the making of statutory interventions, prior to MMO quality assurance and an application to the Secretary of State to confirm the Byelaws.

### C. Annexes

1. The Shore Gathering Byelaw
2. The Fishing for Cockles (Amendment) Byelaw
3. The Seaweed Harvesting Code of Conduct
4. The Impact Assessment
5. The Conservation Assessment Package
6. The Site Specific Evidence Package
7. The Literature Review

## 1.0 Introduction

- Members commenced a review of shore gathering management in late 2022. The review was further informed in 2023 by the publication of The Environmental Improvement Plan 2023<sup>2</sup> which introduced a requirement on IFCAs to ensure that all management measures are in place for all MPAs by 2024 to meet Government targets.
- Subsequently, the scope of the Shore Gathering Review was re-defined to focus on **feature-based management interventions for MPAs: sites designated under the National Site Network (SACs, SPAs and MCZs)**.
- A set of Management Principles (*Annex 5 - Conservation Assessment Package, Figure 18, p. 57*) to underpin the development of measures was developed through Member Working Groups and agreed by the TAC at the meeting on 9<sup>th</sup> May 2024. In addition, the TAC agreed a set of draft regulatory measures based on these Management Principles, in the form of the Shore Gathering Byelaw, and a code of conduct for seaweed harvesting.
- In reviewing the draft measures, Members also considered initial drafts of the Conservation Assessment Package, Site Specific Evidence Package and Literature Review as supporting documents.

<sup>1</sup> [ifca-byelaw-guidance.pdf \(publishing.service.gov.uk\)](#)

<sup>2</sup> [Environmental Improvement Plan 2023 - GOV.UK \(www.gov.uk\)](#)

- At the TAC meeting on 22<sup>nd</sup> August 2024, Members provided comment on the draft Shore Gathering Byelaw and supporting documentation and the draft Seaweed Harvesting Code of Conduct. Noting that the draft Shore Gathering Byelaw included updates made since the May 2024 TAC meeting on the basis of comment made at the meeting by NE and Formal Advice received from NE on the Conservation Assessment Package and supporting documents (Screening Assessment, Part A/TLSE Assessments, Site Specific Evidence Package and Literature Review) that underpin the proposed management measures.
- In addition, Members considered the draft Fishing for Cockles (Amendment) Byelaw, developed due to the necessity to remove certain provisions from the existing Fishing for Cockles byelaw to avoid duplication of regulation with the Shore Gathering Byelaw but to maintain other provisions to ensure sustainable fishing for cockles across the District.
- **Members of the TAC recommended that the Authority and Secretary of State be formally notified of the intention to make the Shore Gathering Byelaw (SGB) (Annex 1) and the Fishing for Cockles (Amendment) Byelaw (FFCAB) (Annex 2).** There were no required updates to the SGB, FFCAB, the Seaweed Harvesting Code of Conduct (CoC) or the supporting documentation following the TAC meeting.

### 3.0 Rationale

- Southern IFCA is responsible for the management of fishing activities in the coastal waters of Dorset, Hampshire and the Isle of Wight. These waters contain highly biodiverse and ecologically rich habitats, providing a range of valuable ecosystem services. The value of these habitats and species is recognised through a range of Marine Protected Area (MPA) designations, collectively contributing to the UK's MPA network, the National Site Network.
- A review of current management of shore gathering was required in response to the creation of new MCZs within the Southern IFCA District, the availability of updated evidence on the location and extent of designated features within existing MCZs and within or adjacent<sup>3</sup> to SACs and SPAs and to ensure that management is proportionate, relevant and consistent for all shore gathering activities in the District.
- Shore gathering activities such as shellfish gathering, bait digging, push-netting, mechanical harvesting (by hand), crab tiling and seaweed harvesting have the potential to impact certain sensitive features for which MPAs in the National Site Network are designated.
- The introduction of the SGB, accompanied by a seaweed harvesting CoC (Annex 3), and the amendment of the Fishing for Cockles Byelaw to the FFCAB introduces relevant, consistent and feature-based spatial management for shore gathering activities as a proportionate response to ensuring appropriate protection of the marine environment. This is therefore considered to be the most effective approach for the Authority to meet its legislative duties<sup>4</sup>.
  - Duties under Section 154 of The Marine and Coastal Access Act 2009 (MaCAA)<sup>5</sup>
  - Duties under The Conservation of Habitats and Species Regulations 2017<sup>6</sup>, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019<sup>7</sup> ('the Conservation Regulations').

### 4.0 The Shore Gathering Byelaw

- The SGB (Annex 1) provides spatial management for sensitive habitats and species within MCZs and within or adjacent to SACs and SPAs to mitigate potential impacts from shore

<sup>3</sup> The term 'adjacent' means a feature (to include any buffer) which extends across the boundary of the designated site, to ensure that the integrity of that part of the feature which exists within the boundary of the site is not affected by activity occurring over that same feature where it extends outside the boundary of the site.

<sup>4</sup> Details of both legislations and relevant duties are given in the Conservation Assessment Package supporting document to the Shore Gathering Byelaw, Annex 5 to this report, Section 2.0, p.7

<sup>5</sup> [Marine and Coastal Access Act 2009 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

<sup>6</sup> [The Conservation of Habitats and Species Regulations 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

<sup>7</sup> [The Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

gathering activities. Spatial management is further defined by prohibition (year-round) or seasonal management, with three types of management areas under the Byelaw:

- Prohibited Areas (year-round)
- Summer Closure Areas (closed 1st March to 31st August)
- Winter Closure Areas (closed 1st November to 31st March)
- During those periods of closure, no shore gathering activities will be permitted to take place in accordance with the prohibitions and associated definitions for shore gathering outlined in the 'Prohibitions' section below.
- There are **43 Prohibited Areas, 8 Summer Closure Areas** and **10 Winter Closure Areas** under the SGB.
- The total area closed to shore gathering activity by Prohibited Areas is **20.28km<sup>2</sup>** representing **0.74%** of the Southern IFCA District, this is an increase of **4.97km<sup>2</sup>** from the current year-round spatial footprint of the Southern IFCA Prohibition of Gathering (Sea Fisheries Resources) in Seagrass Beds Byelaw. The total area closed to shore gathering activity by Winter Closure Areas is **5.27km<sup>2</sup>** representing **0.19%** of the Southern IFCA District and the total area closed by Summer Closure Areas is **17.26km<sup>2</sup>** representing **0.63%** of the District. The total area of the District closed under both year-round and seasonal closures is **42.81km<sup>2</sup>** representing **1.56%**.
- Considering the use of spatial management in line with the management principles (up to the 2m contour)<sup>8</sup> the relevant area within MCZs, SACs and SPAs covered by each type of spatial management is:
  - Prohibited Areas = **10.9%**
  - Winter Closure Areas = **2.8%**
  - Summer Closure Areas = **9.3%**
  - Total = **23.1%**
- The total area managed under the SGB, in line with the relevant area covered by the management principles (up to the 2m contour) is **24.2%** of SPAs, **32.4%** of SACs and **16.1%** of MCZs (noting that some designations overlap therefore the same area of closure will be applicable across more than one designated site in some cases).

## Prohibitions

- The prohibitions under the SGB are given as follows. These are applicable to all three types of management area during the relevant closed period.
  - i. No person shall fish for or take sea fisheries resources by hand or with the use of hand operated equipment where the fishing for or taking is for the purpose of harvesting sea fisheries resources.*
  - ii. No person shall have with them any hand operated equipment for use in the course of, or in connection with, the fishing for, or taking of sea fisheries resources for the purpose of harvesting.*
  - iii. No person shall use or deploy any form of artificial habitat, structure or shelter to aid the collection of crab.*
- The definition of 'harvesting' in relation to the above prohibitions is given as: *to remove and retain for the purposes of consumption, selling, displaying, using as part or wholly for a product or service, cultivating, introducing to the sea or using as bait whether carried out for commercial purposes or otherwise.*

<sup>8</sup> These calculations are made on the basis of management being applied to the 2m contour in line with the Management Principles defined for the Shore Gathering Review, and therefore the boundaries used to inform the size of closure areas against the overall size of an MPA within that contour is based on modelled outputs, the calculations should be viewed as such.

- The Byelaw provides two exceptions:
  - Points (i) and (ii) do not apply to the fishing for or taking of sea fisheries resources using a vessel provided that no part of the vessel's hull is in contact with the seabed.
  - Points (i) and (ii) do not apply when using:
    - a. hook and line in conjunction with a fishing rod;
    - b. a handline;
    - c. a spear gun; or
    - d. a net other than a push net
- The definitions used in the Byelaw ensure that all relevant activities are covered. The potential impacts which require spatial management are applicable to all types of shore gathering activity and therefore in order to ensure that identified protections for designated features are appropriately mitigating those impacts, there is a need to manage all relevant activities consistently.

### Revocations

- The SGB will revoke the following Southern IFCA Byelaws:
  - Prohibition of Gathering (Sea Fisheries Resources) in Seagrass Beds Byelaw
  - Poole Harbour Shellfish Hand Gathering Byelaw
  - Periwinkles Byelaw
  - Fishing for Oysters, Mussels and Clams Byelaw
  - Redeposit of Shellfish Byelaw

## **5.0 The Seaweed Harvesting Code of Conduct**

- For the management of seaweed harvesting outside of the management areas defined in the SGB, the Southern IFCA Seaweed Harvesting CoC has been developed (Annex 3). The CoC is in line with other seaweed harvesting CoCs around the UK and has primarily used a CoC developed by Natural England, in conjunction with partners including other IFC Authorities, as a base with the inclusion of specific provisions relevant to the needs of applicable National Site Network Sites.
- The intention is that the CoC would be introduced alongside the SGB and FFCAB at the point the Byelaws are ratified by the Secretary of State.

## **6.0 The Fishing for Cockles (Amendment) Byelaw**

- The Southern IFCA Fishing for Cockles Byelaw will be amended along with the introduction of the SGB.
- An amendment is required to remove the provision relating to specifications on hand gathering practices for common cockle, in addition, in light of regulation for this species under the Poole Harbour Dredge Permit Byelaw and the Solent Dredge Permit Byelaw, existing provisions regarding dredge size and deployment can also be removed.
- The amended byelaw, FFCAB (Annex 2), will contain the provisions for a closed season for fishing for cockles of between 1st February and 30th April inclusive and the MCRS for cockle, stated as a person must not take from a fishery a cockle which will pass through a gauge having a square opening measuring 23.8mm along each side.

## 7.0 Supporting Documentation

### Impact Assessment

- An Impact Assessment (Annex 4) has been prepared to consider the anticipated costs and benefits of the SGB. To estimate the economic cost, Southern IFCA undertook a targeted engagement exercise to gather the potential impact of changes to shore gathering management in the district. In the absence of any available catch data from national mechanisms being available for shore gathering activities, targeted engagement was the most appropriate method to gather this information.
- Through this exercise it was determined that commercial bait digging participants are expected to incur costs as a result of reduced access or loss of access to fishing grounds within year-round prohibition areas under the Byelaw. These costs will be incurred as a direct result of the closure of the fishing area.
- The average annual cost to industry was calculated as £77,609. As the only data available to inform this assessment was from direct engagement, it needs to be caveated that calculations are based on the maximum potential cost if the relevant areas were accessed every day with the maximum quantity of sea fisheries resource taken. Based on Southern IFCA records of activity data and observations made by Officers, the relevant activity has not been observed to occur every day in any location and therefore the estimation of cost is highly likely to be an overestimate.
- The total transition cost to Southern IFCA associated with the new measures is estimated to be £1,717 and would come in the first year of the SGB. This cost is related to the update of current information boards and production of new information resources. Ongoing compliance costs would form part of the normal annual delivery of work by Southern IFCA.

### Conservation Assessments

- A determination of whether management measures are appropriate to meet the legal duties for relevant sites is made through the completion of an MCZ Assessment (for MCZs) or a Habitats Regulations Assessment (HRA, for SACs and SPAs). For the latter, a duty is placed on Southern IFCA as a competent authority under Article 6(3) of the Habitats Directive, whereby any plan or project likely to have a significant effect on an SPA or SAC within the National Site Network, either individually or in combination with other plans or projects, is to undergo an appropriate assessment, namely a Habitats Regulation Assessment (HRA). The plan or project must be assessed in view of the site's conservation objectives. Accordingly, MCZ Assessments and HRAs were undertaken as part of the review.
- MCZ assessments for shore gathering activities were undertaken for the following MCZs in the Southern IFCA district:
  - Bembridge MCZ
  - Studland Bay MCZ
  - Yarmouth to Cowes MCZ
  - Purbeck Coast MCZ
  - The Needles MCZ
  - Chesil Beach and Stennis Ledges MCZ
- SAC/SPA assessments for shore gathering activities were undertaken for the following SPAs and SACs in the Southern IFCA district:
  - Lyme Bay and Torbay SAC
  - Studland to Portland SAC
  - Chesil and the Fleet SAC
  - Solent Maritime SAC
  - South Wight Maritime SAC
  - Chesil Beach and The Fleet SPA
  - Poole Harbour SPA
  - Solent and Southampton Water SPA
  - Portsmouth Harbour SPA
  - Chichester and Langstone Harbours SPA

- The outputs of these assessments and the supporting information used to inform the assessments is provided as a series of supporting documents to the SGB as follows:
  - The Conservation Assessment Package (Annex 5)
  - The Shore Gathering Site Specific Evidence Package (Annex 6)
  - The Shore Gathering Literature Review (Annex 7)
- Formal Advice was sought from Natural England on the assessments and has been provided. A review of the Formal Advice and the response from Southern IFCA was carried out by the Technical Advisory Sub-Committee at the meeting in August 2024.

## 2.0 Next Steps

- Should the Authority resolve to make the Byelaws, the Authority will give notice of its intention to apply for confirmation of the Byelaws by advertising them for 2 consecutive weeks.
- Following this, a 28-day formal consultation period will begin, during which stakeholders will have the opportunity to respond to the Authority.
- The Authority will then respond and, where appropriate, liaise with objectors with a view to resolving the objection. The TAC will consider outcomes of the Formal Consultation, prior to review by the Executive Sub-Committee, who, under delegated powers, are required to report with recommendations to the Authority following the making of statutory interventions, prior to MMO quality assurance and an application to the Secretary of State to confirm the Byelaws.
- The MMO will make final quality assurance checks and assess the evidence prior to recommending the Byelaws for confirmation, any byelaw will only come into force following confirmation by the Secretary of State.

## SOUTHERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

MARINE AND COASTAL ACCESS ACT 2009<sup>1</sup>**SHORE GATHERING BYELAW**

The Southern Inshore Fisheries and Conservation Authority, in exercise of the powers conferred by section 155(1) of the Marine and Coastal Access Act 2009 makes the following byelaw for that District.

**INTERPRETATION**

- (1) In this byelaw:
- a. All positions given by means of coordinate are defined on World Geodetic System 1984 Datum (WGS84);
  - b. "the Authority" means the Southern Inshore Fisheries and Conservation Authority as defined in Article 4 of the Southern Inshore Fisheries and Conservation Order 2010<sup>2</sup>;
  - c. "crab" means all crab species, including but not limited to Edible crab (*Cancer pagurus*), European green crab (*Carcinus maenas*), Spinous spider crab (*Maja squinado*) and Velvet crab (*Necora puber*);
  - d. "the District" means the area defined in Article 3 of the Southern Inshore Fisheries and Conservation Order 2010<sup>2</sup>;
  - e. "harvesting" means to remove and retain for the purposes of consumption, selling, displaying, using as part of or wholly for a product or service, cultivating, introducing to the sea or using as bait whether carried out for commercial purposes or otherwise;
  - f. "prohibited area" means the area enclosed by the co-ordinates listed in Schedule 1;
  - g. "sea fisheries resources" means that defined in section 153(10) of the Marine and Coastal Access Act 2009<sup>3</sup>;
  - h. "summer closure area" means the area enclosed by the co-ordinates listed in Schedule 3;
  - i. "winter closure area" means the area enclosed by the co-ordinates listed in Schedule 2.

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<sup>1</sup> 2009 c.23

<sup>2</sup> S.I. 2010/2198

<sup>3</sup> [Marine and Coastal Access Act 2009 \(legislation.gov.uk\)](http://legislation.gov.uk)

## **PROHIBITIONS**

- (2) No person shall fish for or take sea fisheries resources by hand or with the use of hand operated equipment where the fishing for, or taking is for the purpose of harvesting sea fisheries resources within:
  - a) a prohibited area;
  - b) a summer closure area for the period 1<sup>st</sup> March to 31<sup>st</sup> August; or
  - c) a winter closure area for the period 1<sup>st</sup> November to 31<sup>st</sup> March.
- (3) No person shall have with them any hand operated equipment for use in the course of, or in connection with, the fishing for, or taking of sea fisheries resources for the purpose of harvesting within:
  - a) a prohibited area;
  - b) a summer closure area for the period 1<sup>st</sup> March to 31<sup>st</sup> August; or
  - c) a winter closure area for the period 1<sup>st</sup> November to 31<sup>st</sup> March.
- (4) No person shall use or deploy any form of artificial habitat, structure, or shelter to aid the collection of crab within:
  - a) a prohibited area;
  - b) a summer closure area for the period 1<sup>st</sup> March to 31<sup>st</sup> August; or
  - c) a winter closure area for the period 1<sup>st</sup> November to 31<sup>st</sup> March.

## **EXCEPTIONS**

- (5) Paragraphs (2) and (3) do not apply to the fishing for or taking of sea fisheries resources using a vessel provided that no part of the vessel's hull is in contact with the seabed.
- (6) Paragraphs (2) and (3) do not apply when using:
  - a) hook and line in conjunction with a fishing rod;
  - b) a handline;
  - c) a spear gun; or
  - d) a net other than a push net.

## **DISPENSATIONS**

- (7) Paragraphs (2) to (4) do not apply to any person who has obtained a written dispensation issued by the Authority in accordance with paragraph (8) and the authorisation is valid in accordance with paragraph (9).

- (8) The Authority may issue a written dispensation for scientific, educational, stocking or breeding purposes.
- (9) A dispensation issued under paragraph (8) will only be valid if:
  - a) The act being undertaken complies with the terms of the dispensation; and
  - b) The dispensation is carried on the person and produced for inspection when requested by an Inshore Fisheries and Conservation Officer of the Authority or any other person authorised by the Authority to make such a request.

## **REVIEW**

- (10) The Authority (or a sub-committee thereof authorised by the Authority to do so) will review the suitability of the byelaw in accordance with any changes in best available evidence, to include any statutory advice provided by Natural England or other such bodies, organisations or persons as the Authority deem fit.

## **AMENDMENT**

- (11) The byelaw with the title “Fishing for Cockles” made by the Authority, in exercise of its powers under section 155(1) of the Marine and Coastal Access Act 2009, confirmed on 23<sup>rd</sup> June 2015, and in force immediately before the making of this byelaw is amended to the “Fishing for Cockles (Amendment) Byelaw”.

## **REVOCATIONS**

- (12) The byelaw with the title “Prohibition of Gathering (Sea Fisheries Resources) in Seagrass Beds Byelaw” made by the Authority, in exercise of its powers under sections 155(1) of the Marine and Coastal Access Act 2009, confirmed on 20<sup>th</sup> December 2013, and in force immediately before the making of this byelaw is revoked.
- (13) The byelaw with the title “Poole Harbour Shellfish Hand Gathering Byelaw” made by the Authority, in exercise of its powers under sections 155(1) of the Marine and Coastal Access Act 2009, confirmed on 23<sup>rd</sup> June 2015, and in force immediately before the making of this byelaw is revoked.
- (14) The byelaw with the title “Periwinkles” made by the Southern Sea Fisheries District Committee in exercise of its power under section 5 of the Sea Fisheries Regulation Act 1966, confirmed on 17<sup>th</sup> November 1994, and in force immediately before the making of this byelaw is revoked.
- (15) The byelaw with the title “Fishing for Oysters, Mussels and Clams” made by the Southern Sea Fisheries District Committee in exercise of its power under section 5 of the Sea Fisheries Regulation Act 1966, confirmed on 27<sup>th</sup> September 1994, and in force immediately before the making of this byelaw is revoked.
- (16) The byelaw with the title “Redeposit of Shellfish” made by the Southern Sea Fisheries District Committee in exercise of its power under section 5 of the Sea Fisheries

Regulation Act 1966, confirmed on 27<sup>th</sup> February 1995, and in force immediately before the making of this byelaw is revoked.

I hereby certify that the above byelaw was made by Southern Inshore Fisheries and Conservation Authority at their meeting on 19<sup>th</sup> September 2024.



.....  
**Pia Bateman**  
Chief Executive Officer  
Southern Inshore Fisheries and Conservation Authority

The Secretary of State for Environment, Food and Rural Affairs in exercise of the power conferred by section 155(3) of the Marine and Coastal Access Act 2009 confirms the Shore Gathering Byelaw made by the Southern Inshore Fisheries and Conservation Authority on 19<sup>th</sup> September 2024.

**(TBC)**

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

Date:

## SCHEDULE 1 – PROHIBITED AREAS

Schedule 1 - Prohibited Areas			
Point Number	Latitude	Longitude	Straight Line, unless otherwise stated, to Next Point Number
<b>Chichester Harbour: Areas 1 - 2</b>			
<b>Area 1</b>			
1	50 ° 48.787 minutes N	0 ° 57.393 minutes W	to
2	50 ° 49.095 minutes N	0 ° 56.963 minutes W	to
3	50 ° 48.174 minutes N	0 ° 56.656 minutes W	to
4	50 ° 48.112 minutes N	0 ° 56.977 minutes W	to
5	50 ° 48.375 minutes N	0 ° 57.627 minutes W	to
6	50 ° 48.263 minutes N	0 ° 58.044 minutes W	to
7	50 ° 48.311 minutes N	0 ° 58.093 minutes W	to
8	50 ° 48.330 minutes N	0 ° 58.129 minutes W	to
9	50 ° 48.383 minutes N	0 ° 58.059 minutes W	From point 9 along the coast at the level of mean high water spring tide to point 10
10	50 ° 48.594 minutes N	0 ° 58.067 minutes W	to
11	50 ° 48.641 minutes N	0 ° 58.064 minutes W	From point 11 along the coast at the level of mean high water spring tide to point 1.
<b>Area 2</b>			
12	50 ° 47.374 minutes N	0 ° 57.407 minutes W	to
13	50 ° 47.406 minutes N	0 ° 57.403 minutes W	to
14	50 ° 47.675 minutes N	0 ° 56.729 minutes W	to
15	50 ° 47.675 minutes N	0 ° 56.623 minutes W	to
16	50 ° 47.203 minutes N	0 ° 56.588 minutes W	From point 16 along the coast at the level of mean high water spring tide to point 17
17	50 ° 46.978 minutes N	0 ° 57.014 minutes W	to
18	50 ° 47.050 minutes N	0 ° 57.076 minutes W	From point 18 along the coast at the level of mean high water spring tide to point 12.
<b>Langstone Harbour: Areas 3 - 12</b>			
<b>Area 3</b>			
19	50 ° 49.437 minutes N	0 ° 59.164 minutes W	to
20	50 ° 49.439 minutes N	0 ° 59.314 minutes W	to
21	50 ° 49.495 minutes N	0 ° 59.455 minutes W	to
22	50 ° 49.564 minutes N	0 ° 59.450 minutes W	to
23	50 ° 49.635 minutes N	0 ° 59.400 minutes W	to
24	50 ° 49.701 minutes N	0 ° 59.311 minutes W	to
25	50 ° 49.744 minutes N	0 ° 59.208 minutes W	to

26	50 °	49.751 minutes	N	0 °	59.161 minutes	W to
27	50 °	49.797 minutes	N	0 °	59.031 minutes	W to
28	50 °	49.826 minutes	N	0 °	59.001 minutes	W to
29	50 °	49.839 minutes	N	0 °	58.973 minutes	W to
30	50 °	49.834 minutes	N	0 °	58.955 minutes	W From point 30 along the coast at the level of mean high water spring tide to point 19.
<b>Area 4</b>						
31	50 °	48.769 minutes	N	0 °	59.295 minutes	W to
32	50 °	48.776 minutes	N	0 °	59.320 minutes	W to
33	50 °	48.812 minutes	N	0 °	59.277 minutes	W to
34	50 °	48.806 minutes	N	0 °	59.257 minutes	W From point 34 to point 31.
<b>Area 5</b>						
35	50 °	47.680 minutes	N	1 °	0.052 minutes	W to
36	50 °	47.657 minutes	N	1 °	0.388 minutes	W to
37	50 °	47.704 minutes	N	1 °	0.520 minutes	W to
38	50 °	47.785 minutes	N	1 °	0.525 minutes	W to
39	50 °	47.878 minutes	N	1 °	0.330 minutes	W to
40	50 °	47.912 minutes	N	1 °	0.083 minutes	W to
41	50 °	48.073 minutes	N	1 °	0.011 minutes	W to
42	50 °	48.259 minutes	N	0 °	59.543 minutes	W to
43	50 °	48.439 minutes	N	1 °	0.038 minutes	W to
44	50 °	48.670 minutes	N	0 °	59.514 minutes	W to
45	50 °	48.631 minutes	N	0 °	59.333 minutes	W From point 45 along the coast at the level of mean high water spring tide to point 35.
<b>Area 6</b>						
46	50 °	47.922 minutes	N	1 °	0.926 minutes	W to
47	50 °	47.921 minutes	N	1 °	0.895 minutes	W to
48	50 °	47.796 minutes	N	1 °	0.757 minutes	W to
49	50 °	47.748 minutes	N	1 °	0.768 minutes	W to
50	50 °	47.723 minutes	N	1 °	0.948 minutes	W to
51	50 °	47.759 minutes	N	1 °	1.010 minutes	W to
52	50 °	47.776 minutes	N	1 °	1.078 minutes	W to
53	50 °	47.815 minutes	N	1 °	1.057 minutes	W to
54	50 °	47.795 minutes	N	1 °	0.987 minutes	W From point 54 to point 46.

Area 7						
55	50 °	47.616 minutes	N	1 °	1.070 minutes	W to
56	50 °	47.605 minutes	N	1 °	1.204 minutes	W to
57	50 °	47.647 minutes	N	1 °	1.266 minutes	W to
58	50 °	47.699 minutes	N	1 °	1.167 minutes	W to
59	50 °	47.660 minutes	N	1 °	1.133 minutes	W From point 59 along the coast at the level of mean high water spring tide to point 55.
Area 8						
60	50 °	49.589 minutes	N	1 °	1.464 minutes	W to
61	50 °	49.120 minutes	N	1 °	1.507 minutes	W to
62	50 °	48.882 minutes	N	1 °	1.924 minutes	W to
63	50 °	49.478 minutes	N	1 °	2.394 minutes	W to
64	50 °	49.732 minutes	N	1 °	2.411 minutes	W to
65	50 °	49.760 minutes	N	1 °	2.100 minutes	W From point 65 along the coast at the level of mean high water spring tide to point 60.
Area 9						
66	50 °	50.074 minutes	N	1 °	2.375 minutes	W to
67	50 °	50.022 minutes	N	1 °	2.282 minutes	W to
68	50 °	49.884 minutes	N	1 °	2.431 minutes	W to
69	50 °	49.930 minutes	N	1 °	2.576 minutes	W to
70	50 °	50.071 minutes	N	1 °	2.425 minutes	W From point 70 along the coast at the level of mean high water spring tide to point 66.
Area 10						
71	50 °	49.798 minutes	N	1 °	0.860 minutes	W to
72	50 °	49.421 minutes	N	1 °	0.315 minutes	W to
73	50 °	49.283 minutes	N	1 °	0.443 minutes	W to
74	50 °	49.543 minutes	N	1 °	1.089 minutes	W to
75	50 °	49.698 minutes	N	1 °	1.093 minutes	W From point 75 to point 71.
Area 11						
76	50 °	49.615 minutes	N	1 °	0.201 minutes	W to
77	50 °	49.600 minutes	N	1 °	0.152 minutes	W to
78	50 °	49.561 minutes	N	1 °	0.192 minutes	W to
79	50 °	49.574 minutes	N	1 °	0.252 minutes	W From point 79 to point 76.
Area 12						
80	50 °	50.357 minutes	N	1 °	1.236 minutes	W to
81	50 °	50.171 minutes	N	1 °	0.404 minutes	W to
82	50 °	49.860 minutes	N	1 °	0.039 minutes	W to

83	50 °	49.697 minutes	N	1 °	0.081 minutes	W to
84	50 °	50.117 minutes	N	1 °	0.828 minutes	W to
85	50 °	50.112 minutes	N	1 °	1.307 minutes	W From point 85 along the coast at the level of mean high water spring tide to point 80.
<b>Portsmouth Harbour: Area 13 - 16</b>						
<b>Area 13</b>						
86	50 °	50.015 minutes	N	1 °	7.693 minutes	W to
87	50 °	49.944 minutes	N	1 °	7.362 minutes	W to
88	50 °	49.856 minutes	N	1 °	7.418 minutes	W to
89	50 °	49.970 minutes	N	1 °	7.735 minutes	W From point 89 to point 86.
<b>Area 14</b>						
90	50 °	49.495 minutes	N	1 °	7.155 minutes	W to
91	50 °	49.244 minutes	N	1 °	7.129 minutes	W to
92	50 °	49.139 minutes	N	1 °	7.741 minutes	W to
93	50 °	49.437 minutes	N	1 °	7.927 minutes	W From point 93 to point 90.
<b>Area 15</b>						
94	50 °	50.166 minutes	N	1 °	7.478 minutes	W to
95	50 °	50.079 minutes	N	1 °	7.362 minutes	W to
96	50 °	50.015 minutes	N	1 °	7.411 minutes	W to
97	50 °	50.070 minutes	N	1 °	7.742 minutes	W to
98	50 °	49.606 minutes	N	1 °	8.179 minutes	W to
99	50 °	49.683 minutes	N	1 °	8.399 minutes	W to
100	50 °	49.869 minutes	N	1 °	8.434 minutes	W to
101	50 °	50.370 minutes	N	1 °	8.968 minutes	W to
102	50 °	50.444 minutes	N	1 °	9.102 minutes	W to
103	50 °	50.480 minutes	N	1 °	9.058 minutes	W From point 103 along the coast at the level of mean high water spring tide to point 104
104	50 °	50.513 minutes	N	1 °	8.933 minutes	W to
105	50 °	50.417 minutes	N	1 °	8.811 minutes	W From point 105 along the north side of the jetty to point 106
106	50 °	50.434 minutes	N	1 °	8.768 minutes	W From point 106 along the coast at the level of mean high water spring tide to point 94.
<b>Area 16</b>						
107	50 °	50.594 minutes	N	1 °	9.266 minutes	W to
108	50 °	50.508 minutes	N	1 °	9.437 minutes	W to
109	50 °	50.476 minutes	N	1 °	9.713 minutes	W to
110	50 °	50.577 minutes	N	1 °	9.696 minutes	W to

111	50 °	50.682 minutes	N	1 °	9.549 minutes	W	From point 111 along the coast at the level of mean high water spring tide to point 112
112	50 °	50.665 minutes	N	1 °	9.434 minutes	W	to
113	50 °	50.621 minutes	N	1 °	9.243 minutes	W	to
114	50 °	50.601 minutes	N	1 °	9.231 minutes	W	From point 114 along the coast at the level of mean high water spring tide to point 107.
<b>Southampton Water: Areas 17 - 18</b>							
<b>Area 17</b>							
115	50 °	49.546 minutes	N	1 °	15.733 minutes	W	to
116	50 °	49.400 minutes	N	1 °	15.429 minutes	W	to
117	50 °	49.292 minutes	N	1 °	15.269 minutes	W	to
118	50 °	49.175 minutes	N	1 °	15.315 minutes	W	to
119	50 °	49.506 minutes	N	1 °	16.055 minutes	W	to
120	50 °	49.583 minutes	N	1 °	16.011 minutes	W	From point 120 to point 115.
<b>Area 18</b>							
121	50 °	48.570 minutes	N	1 °	18.702 minutes	W	to
122	50 °	48.505 minutes	N	1 °	18.582 minutes	W	to
123	50 °	48.196 minutes	N	1 °	19.328 minutes	W	to
124	50 °	47.905 minutes	N	1 °	19.750 minutes	W	to
125	50 °	47.777 minutes	N	1 °	19.861 minutes	W	to
126	50 °	47.788 minutes	N	1 °	19.902 minutes	W	to
127	50 °	47.873 minutes	N	1 °	19.926 minutes	W	From point 127 along the coast at the level of mean high water spring tide to point 128
128	50 °	48.103 minutes	N	1 °	19.715 minutes	W	to
129	50 °	48.470 minutes	N	1 °	19.136 minutes	W	From point 129 to point 121.
<b>Beaulieu: Area 19</b>							
<b>Area 19</b>							
130	50 °	46.846 minutes	N	1 °	21.762 minutes	W	to
131	50 °	46.634 minutes	N	1 °	21.703 minutes	W	to
132	50 °	46.644 minutes	N	1 °	22.091 minutes	W	to
133	50 °	46.797 minutes	N	1 °	22.120 minutes	W	From point 133 to point 130.
<b>Isle of Wight: Areas 20 - 34</b>							
<b>Area 20</b>							
134	50 °	40.964 minutes	N	1 °	32.675 minutes	W	to
135	50 °	40.853 minutes	N	1 °	32.929 minutes	W	to
136	50 °	40.876 minutes	N	1 °	33.036 minutes	W	to

137	50 °	41.078 minutes	N	1 °	32.770 minutes	W to
138	50 °	40.995 minutes	N	1 °	32.661 minutes	W From point 138 along the coast at the level of mean high water spring tide to point 134.
<b>Area 21</b>						
139	50 °	41.664 minutes	N	1 °	32.296 minutes	W to
140	50 °	41.489 minutes	N	1 °	32.189 minutes	W to
141	50 °	41.409 minutes	N	1 °	32.522 minutes	W to
142	50 °	41.448 minutes	N	1 °	32.554 minutes	W From point 142 to point 139.
<b>Area 22</b>						
143	50 °	42.420 minutes	N	1 °	30.954 minutes	W to
144	50 °	42.462 minutes	N	1 °	30.944 minutes	W to
145	50 °	42.486 minutes	N	1 °	30.150 minutes	W to
146	50 °	42.633 minutes	N	1 °	28.785 minutes	W to
147	50 °	42.943 minutes	N	1 °	27.643 minutes	W to
148	50 °	42.860 minutes	N	1 °	27.588 minutes	W From point 148 along the coast at the level of mean high water spring tide to point 149
149	50 °	42.425 minutes	N	1 °	30.019 minutes	W From point 149 to point 150
150	50 °	42.424 minutes	N	1 °	30.073 minutes	W From point 150 along the coast at the level of mean high water spring tide to point 143.
<b>Area 23</b>						
151	50 °	45.439 minutes	N	1 °	19.855 minutes	W to
152	50 °	45.481 minutes	N	1 °	19.867 minutes	W to
153	50 °	45.543 minutes	N	1 °	19.661 minutes	W to
154	50 °	45.533 minutes	N	1 °	19.643 minutes	W to
155	50 °	45.475 minutes	N	1 °	19.694 minutes	W From point 155 along the coast at the level of mean high water spring tide to point 156
156	50 °	45.461 minutes	N	1 °	19.738 minutes	W From point 156 to point 151.
<b>Area 24</b>						
157	50 °	46.036 minutes	N	1 °	18.327 minutes	W to
158	50 °	46.060 minutes	N	1 °	18.350 minutes	W to
159	50 °	46.061 minutes	N	1 °	18.263 minutes	W to
160	50 °	46.036 minutes	N	1 °	18.265 minutes	W From point 160 along the coast at the level of mean high water spring tide to point 157.
<b>Area 25</b>						
161	50 °	45.863 minutes	N	1 °	17.609 minutes	W to
162	50 °	45.979 minutes	N	1 °	17.556 minutes	W to
163	50 °	46.017 minutes	N	1 °	17.495 minutes	W to
164	50 °	46.081 minutes	N	1 °	16.972 minutes	W to

165	50 °	45.971 minutes	N	1 °	16.915 minutes	W to
166	50 °	45.834 minutes	N	1 °	17.499 minutes	W From point 166 to point 161.
<b>Area 26</b>						
167	50 °	45.942 minutes	N	1 °	16.327 minutes	W to
168	50 °	45.975 minutes	N	1 °	16.291 minutes	W to
169	50 °	45.959 minutes	N	1 °	16.099 minutes	W to
170	50 °	44.953 minutes	N	1 °	13.983 minutes	W to
171	50 °	44.515 minutes	N	1 °	12.516 minutes	W to
172	50 °	44.429 minutes	N	1 °	12.355 minutes	W to
173	50 °	44.268 minutes	N	1 °	12.554 minutes	W to
174	50 °	44.241 minutes	N	1 °	12.699 minutes	W to
175	50 °	44.335 minutes	N	1 °	12.828 minutes	W to
176	50 °	44.392 minutes	N	1 °	13.194 minutes	W to
177	50 °	44.668 minutes	N	1 °	14.116 minutes	W to
178	50 °	44.968 minutes	N	1 °	14.700 minutes	W to
179	50 °	45.129 minutes	N	1 °	14.841 minutes	W to
180	50 °	45.280 minutes	N	1 °	15.364 minutes	W to
181	50 °	45.559 minutes	N	1 °	15.588 minutes	W From point 181 along the coast at the level of mean high water spring tide to point 167.
<b>Area 27</b>						
182	50 °	44.020 minutes	N	1 °	10.487 minutes	W to
183	50 °	44.112 minutes	N	1 °	10.498 minutes	W to
184	50 °	44.338 minutes	N	1 °	9.715 minutes	W From point 184 along the Northern edge of the pier to point 185
185	50 °	44.363 minutes	N	1 °	9.556 minutes	W to
186	50 °	44.487 minutes	N	1 °	8.955 minutes	W to
187	50 °	44.200 minutes	N	1 °	9.049 minutes	W to
188	50 °	43.981 minutes	N	1 °	9.207 minutes	W From point 188 along the coast at the level of mean high water spring tide to point 182.
<b>Area 28</b>						
189	50 °	43.041 minutes	N	1 °	6.405 minutes	W to
190	50 °	43.047 minutes	N	1 °	6.346 minutes	W to
191	50 °	42.865 minutes	N	1 °	6.273 minutes	W to
192	50 °	42.855 minutes	N	1 °	6.339 minutes	W From point 192 to point 189.
<b>Area 29</b>						
193	50 °	42.412 minutes	N	1 °	6.047 minutes	W to

194	50 °	42.510 minutes	N	1 °	6.090 minutes	W to
195	50 °	42.527 minutes	N	1 °	6.038 minutes	W to
196	50 °	42.422 minutes	N	1 °	5.882 minutes	W to
197	50 °	42.386 minutes	N	1 °	5.957 minutes	W From point 197 to point 193.
<b>Area 30</b>						
198	50 °	42.275 minutes	N	1 °	5.170 minutes	W to
199	50 °	42.339 minutes	N	1 °	5.168 minutes	W to
200	50 °	42.337 minutes	N	1 °	5.054 minutes	W to
201	50 °	42.273 minutes	N	1 °	5.057 minutes	W From point 201 to point 198.
<b>Area 31</b>						
202	50 °	41.992 minutes	N	1 °	5.626 minutes	W to
203	50 °	42.060 minutes	N	1 °	5.534 minutes	W to
204	50 °	42.070 minutes	N	1 °	5.161 minutes	W to
205	50 °	41.769 minutes	N	1 °	5.054 minutes	W to
206	50 °	41.738 minutes	N	1 °	5.089 minutes	W From point 206 to point 202.
<b>Area 32</b>						
207	50 °	41.675 minutes	N	1 °	4.854 minutes	W to
208	50 °	41.688 minutes	N	1 °	4.838 minutes	W to
209	50 °	41.410 minutes	N	1 °	4.218 minutes	W to
210	50 °	41.204 minutes	N	1 °	4.002 minutes	W to
211	50 °	41.176 minutes	N	1 °	4.065 minutes	W to
212	50 °	41.357 minutes	N	1 °	4.284 minutes	W From point 212 to point 207.
<b>Area 33</b>						
213	50 °	41.131 minutes	N	1 °	4.155 minutes	W to
214	50 °	41.130 minutes	N	1 °	4.098 minutes	W to
215	50 °	41.021 minutes	N	1 °	4.071 minutes	W to
216	50 °	41.020 minutes	N	1 °	4.153 minutes	W From point 216 to point 213.
<b>Area 34</b>						
217	50 °	40.920 minutes	N	1 °	4.216 minutes	W to
218	50 °	40.919 minutes	N	1 °	4.184 minutes	W to
219	50 °	40.788 minutes	N	1 °	4.159 minutes	W to
220	50 °	40.789 minutes	N	1 °	4.206 minutes	W From point 220 to point 217.

**Poole Harbour: Areas 35 - 40**

**Area 35**

221	50 °	42.262 minutes	N	1 °	57.039 minutes	W to
222	50 °	42.236 minutes	N	1 °	56.897 minutes	W to
223	50 °	42.051 minutes	N	1 °	56.581 minutes	W to
224	50 °	42.014 minutes	N	1 °	56.615 minutes	W to
225	50 °	42.019 minutes	N	1 °	56.831 minutes	W to
226	50 °	42.206 minutes	N	1 °	57.105 minutes	W From point 226 to point 221

**Area 36**

227	50 °	41.826 minutes	N	1 °	56.748 minutes	W to
228	50 °	41.857 minutes	N	1 °	56.541 minutes	W to
229	50 °	41.680 minutes	N	1 °	56.555 minutes	W to
230	50 °	41.589 minutes	N	1 °	56.181 minutes	W to
231	50 °	41.331 minutes	N	1 °	56.648 minutes	W to
232	50 °	41.363 minutes	N	1 °	56.757 minutes	W to
233	50 °	41.365 minutes	N	1 °	56.931 minutes	W From point 233 to point 227.

**Area 37**

234	50 °	39.953 minutes	N	1 °	58.431 minutes	W to
235	50 °	39.952 minutes	N	1 °	58.336 minutes	W to
236	50 °	39.885 minutes	N	1 °	58.338 minutes	W to
237	50 °	39.886 minutes	N	1 °	58.432 minutes	W From point 237 to point 234.

**Area 38**

238	50 °	40.309 minutes	N	1 °	59.785 minutes	W to
239	50 °	40.310 minutes	N	1 °	59.739 minutes	W to
240	50 °	40.279 minutes	N	1 °	59.739 minutes	W to
241	50 °	40.280 minutes	N	1 °	59.785 minutes	W From point 241 to point 238

**Area 39**

242	50 °	40.831 minutes	N	2 °	0.462 minutes	W to
243	50 °	40.834 minutes	N	2 °	0.383 minutes	W to
244	50 °	40.726 minutes	N	2 °	0.349 minutes	W to
245	50 °	40.716 minutes	N	2 °	0.435 minutes	W From point 245 to point 242

**Area 40**

246	50 °	43.779 minutes	N	2 °	0.333 minutes	W to
247	50 °	43.782 minutes	N	2 °	0.304 minutes	W From point 247 along the northern edge of the railway line to point 248

248	50 °	43.797 minutes	N	1 °	59.726 minutes	W to
249	50 °	43.795 minutes	N	1 °	59.695 minutes	W From point 249 along the coast at the level of mean high water spring tide to point 247.
<b>Studland Bay: Areas 41 -42</b>						
<b>Area 41</b>						
250	50 °	39.320 minutes	N	1 °	57.063 minutes	W to
251	50 °	39.318 minutes	N	1 °	56.843 minutes	W to
252	50 °	39.202 minutes	N	1 °	56.845 minutes	W to
253	50 °	39.204 minutes	N	1 °	57.065 minutes	W From point 253 to point 250.
<b>Area 42</b>						
254	50 °	38.957 minutes	N	1 °	57.021 minutes	W to
255	50 °	38.954 minutes	N	1 °	56.740 minutes	W to
256	50 °	38.820 minutes	N	1 °	56.197 minutes	W to
257	50 °	38.629 minutes	N	1 °	56.017 minutes	W to
258	50 °	38.634 minutes	N	1 °	55.545 minutes	W to
259	50 °	38.571 minutes	N	1 °	55.521 minutes	W to
260	50 °	38.480 minutes	N	1 °	56.335 minutes	W to
261	50 °	38.484 minutes	N	1 °	56.395 minutes	W to
262	50 °	38.591 minutes	N	1 °	56.612 minutes	W to
263	50 °	38.764 minutes	N	1 °	56.897 minutes	W From point 263 to point 254.
<b>The Fleet: Area 43</b>						
<b>Area 43</b>						
264	50 °	35.905 minutes	N	2 °	29.958 minutes	W to
265	50 °	35.840 minutes	N	2 °	30.074 minutes	W to
266	50 °	34.720 minutes	N	2 °	28.167 minutes	W to
267	50 °	34.692 minutes	N	2 °	28.222 minutes	W From point 267 along the coast at the level of mean high water spring tide to point 264.

## SCHEDULE 2 – WINTER CLOSURE AREAS

Schedule 2 - Winter Closure Areas 1st November - 31st March both days inclusive			
Point Nu	Latitude	Longitude	Straight Line, unless otherwise stated, to Next Point Number
<b>Poole Harbour: Areas 44 - 53</b>			
<b>Area 44</b>			
The Part of the District that lies below mean high water springs and north of a straight line drawn from:			
268	50 ° 43.203 minutes N	2 ° 2.446 minutes W	to
269	50 ° 43.210 minutes N	2 ° 2.417 minutes W	
<b>Area 45</b>			
270	50 ° 43.779 minutes N	2 ° 0.333 minutes W	to
271	50 ° 43.782 minutes N	2 ° 0.304 minutes W	to point 272 along the northern edge of the railway line
272	50 ° 43.797 minutes N	1 ° 59.726 minutes W	to
273	50 ° 43.795 minutes N	1 ° 59.695 minutes W	From point 273 along the northern edge of the railway line and along the coast at the level of mean highwater springs to point 274
274	50 ° 42.774 minutes N	1 ° 59.543 minutes W	to
275	50 ° 42.738 minutes N	1 ° 59.595 minutes W	From point 275 along the coast at the level of mean highwater springs and along the northern edge of the railway line to point 270.
<b>Area 46</b>			
The Part of the District that lies below mean high water springs and north of a straight line drawn from:			
276	50 ° 42.501 minutes N	1 ° 57.224 minutes W	to
277	50 ° 42.475 minutes N	1 ° 57.189 minutes W	
<b>Area 47</b>			
The Part of the District that lies below mean high water springs and south of a straight line drawn from:			
278	50 ° 40.160 minutes N	1 ° 58.264 minutes W	to
279	50 ° 40.156 minutes N	1 ° 58.981 minutes W	
<b>Area 48</b>			
The Part of the District that lies below mean high water springs and west of a straight line drawn from:			
280	50 ° 40.156 minutes N	1 ° 58.981 minutes W	to
281	50 ° 40.608 minutes N	1 ° 58.699 minutes W	to
<b>Area 49</b>			
The Part of the District that lies below mean high water springs and south of a straight line drawn from:			
282	50 ° 40.357 minutes N	1 ° 59.519 minutes W	to
283	50 ° 40.400 minutes N	1 ° 59.753 minutes W	
<b>Area 50</b>			
The Part of the District that lies below mean high water springs and south of a straight line drawn from:			

284	50 °	40.547 minutes	N	2 °	0.163 minutes	W to
285	50 °	40.649 minutes	N	2 °	0.422 minutes	W
<b>Area 51</b>						
The Part of the District that lies below mean high water springs and south of a straight line drawn from:						
286	50 °	40.906 minutes	N	2 °	1.068 minutes	W to
287	50 °	41.189 minutes	N	2 °	1.623 minutes	W
<b>Area 52</b>						
The Part of the District that lies below mean high water springs and west of a straight line drawn from:						
288	50 °	41.950 minutes	N	2 °	1.641 minutes	W to
289	50 °	42.179 minutes	N	2 °	1.837 minutes	W
<b>Area 53</b>						
290	50 °	42.400 minutes	N	2 °	4.507 minutes	W to
291	50 °	42.252 minutes	N	2 °	4.070 minutes	W to
292	50 °	41.880 minutes	N	2 °	4.271 minutes	W to
293	50 °	41.842 minutes	N	2 °	4.540 minutes	W From point 293 along the coast at the level of mean high water spring tide to point 290.

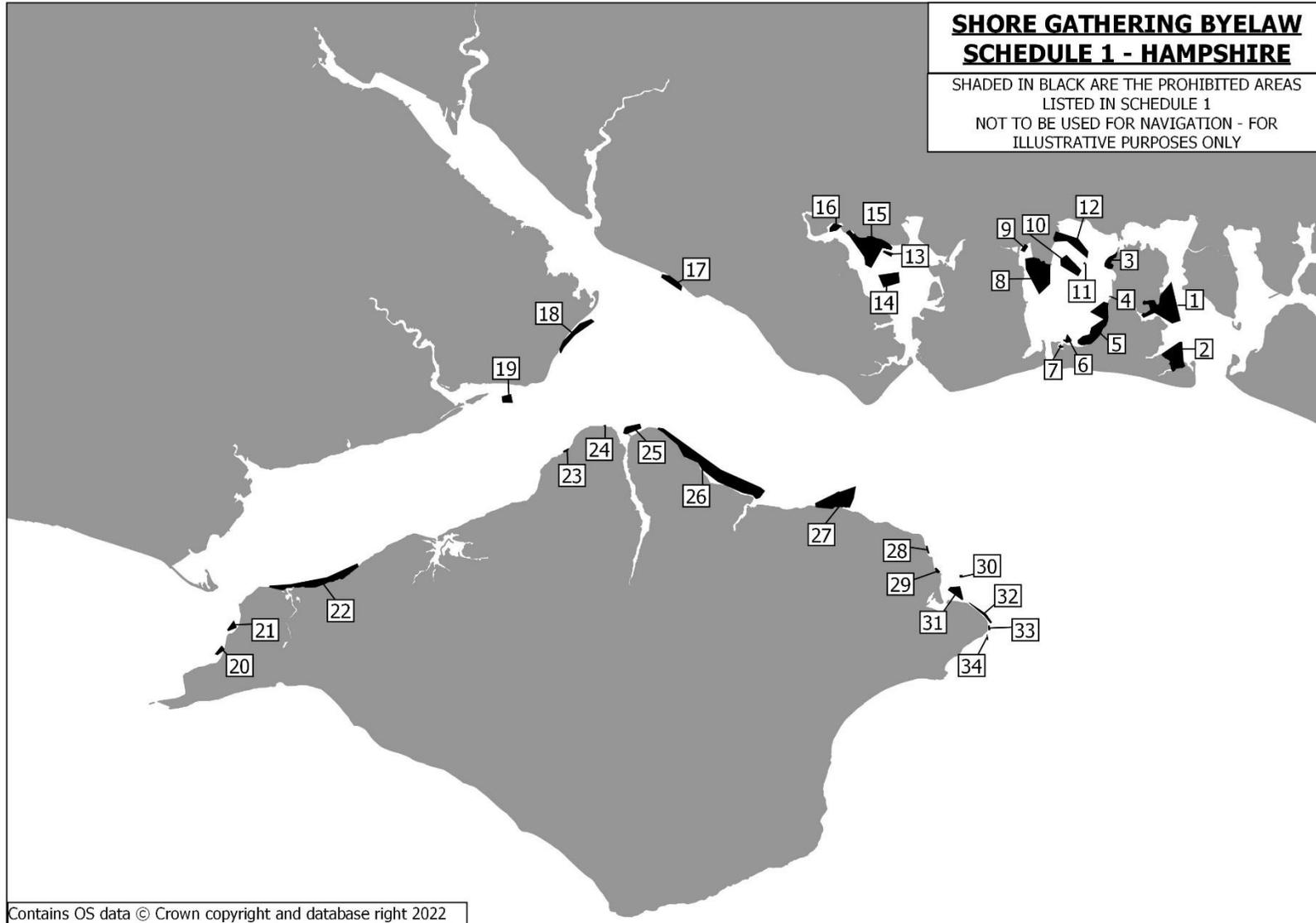
### SCHEDULE 3 – SUMMER CLOSURE AREAS

Schedule 3 - Summer Closure Areas 1st March - 31st August both days inclusive			
Point Nu	Latitude	Longitude	Straight Line, unless otherwise stated, to Next Point Number
<b>Southampton Water: Areas 54- 57</b>			
<b>Area 54</b>			
The Part of the District that lies below mean high water springs and north of a straight line drawn from:			
294	50 ° 52.385 minutes N	1 ° 18.782 minutes W	to
295	50 ° 52.381 minutes N	1 ° 18.340 minutes W	
<b>Area 55</b>			
The Part of the District that lies below mean high water springs and west of a line drawn from:			
296	50 ° 54.687 minutes N	1 ° 28.029 minutes W	to
297	50 ° 54.615 minutes N	1 ° 28.103 minutes W	to
298	50 ° 54.423 minutes N	1 ° 27.899 minutes W	to
299	50 ° 54.285 minutes N	1 ° 27.875 minutes W	to
300	50 ° 54.290 minutes N	1 ° 27.588 minutes W	to
301	50 ° 54.133 minutes N	1 ° 27.119 minutes W	to
302	50 ° 54.099 minutes N	1 ° 27.121 minutes W	
<b>Area 56</b>			
303	50 ° 51.902 minutes N	1 ° 23.320 minutes W	to
304	50 ° 50.764 minutes N	1 ° 20.967 minutes W	From point 304 along the coast at the level of mean high water spring tide to point 303.
<b>Area 57</b>			
305	50 ° 50.211 minutes N	1 ° 20.152 minutes W	to
306	50 ° 48.909 minutes N	1 ° 18.558 minutes W	From point 306 along the coast at the level of mean high water spring tide to point 305.
<b>Lymington and Keyhaven: Area 58</b>			
<b>Area 58</b>			
307	50 ° 45.751 minutes N	1 ° 26.758 minutes W	to
308	50 ° 45.207 minutes N	1 ° 28.936 minutes W	to
309	50 ° 43.792 minutes N	1 ° 32.436 minutes W	to
310	50 ° 42.863 minutes N	1 ° 33.302 minutes W	From point 310 along the coast at the level of mean high water spring tide to point 307.
<b>Isle of Wight: Areas 59 - 61</b>			
<b>Area 59</b>			
The Part of the District that lies below mean high water springs and south of a line drawn from:			
311	50 ° 42.424 minutes N	1 ° 30.073 minutes W	to
312	50 ° 42.425 minutes N	1 ° 30.019 minutes W	
<b>Area 60</b>			

The Part of the District that lies below mean high water springs and south of a line drawn from:	
313 50 ° 43.549 minutes N	1 ° 25.067 minutes W to
314 50 ° 43.633 minutes N	1 ° 24.278 minutes W
<b>Area 61</b>	
The Part of the District that lies below mean high water springs and south of a line drawn from:	
315 50 ° 44.963 minutes N	1 ° 17.590 minutes W to
316 50 ° 44.962 minutes N	1 ° 17.418 minutes W

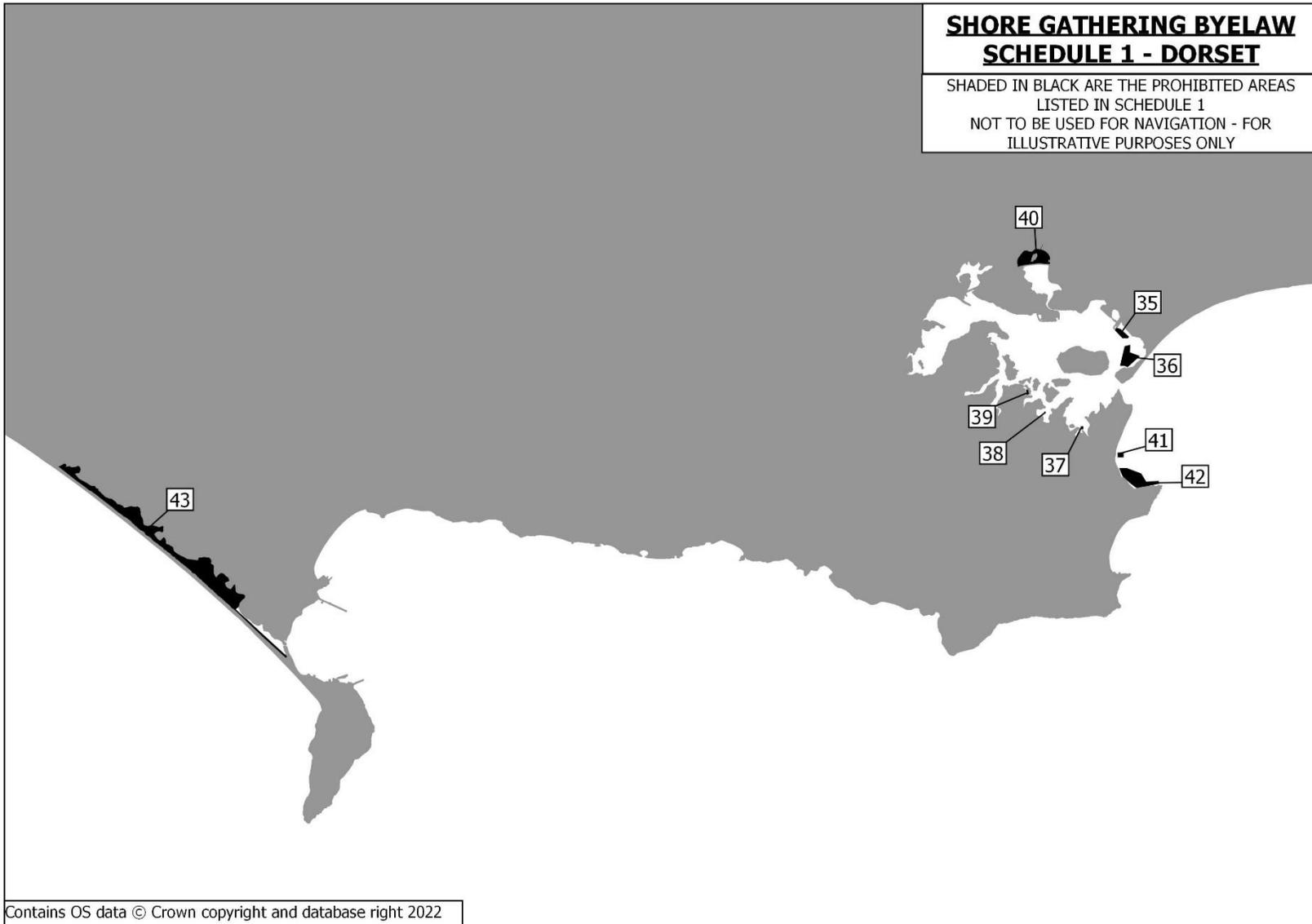
## SCHEDULE 4

PROHIBITED AREAS ILLUSTRATIVE MAPS – the number provided for each Prohibited Area corresponds to the Area Number in Schedule 1



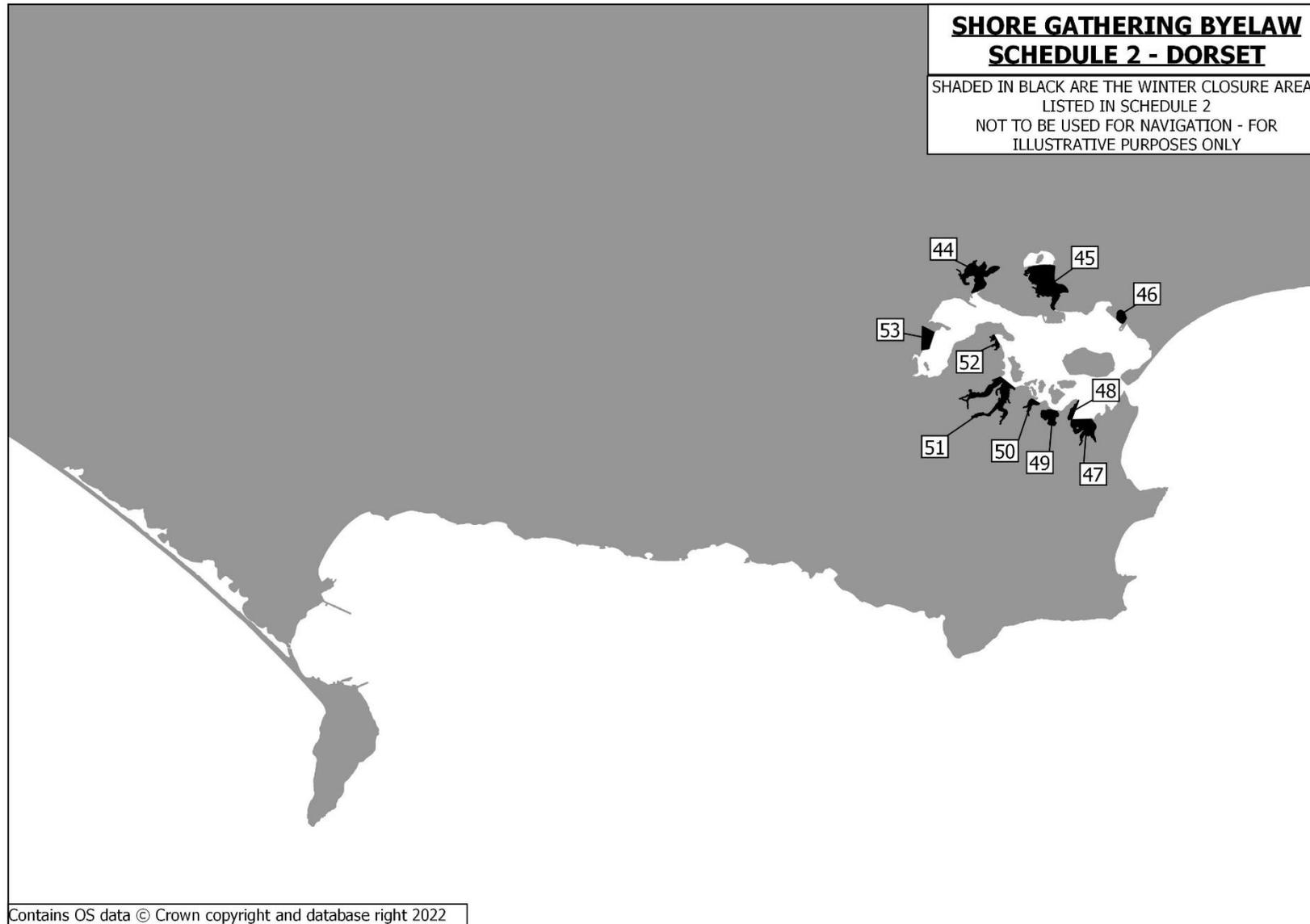
**SHORE GATHERING BYELAW  
SCHEDULE 1 - DORSET**

SHADED IN BLACK ARE THE PROHIBITED AREAS  
LISTED IN SCHEDULE 1  
NOT TO BE USED FOR NAVIGATION - FOR  
ILLUSTRATIVE PURPOSES ONLY



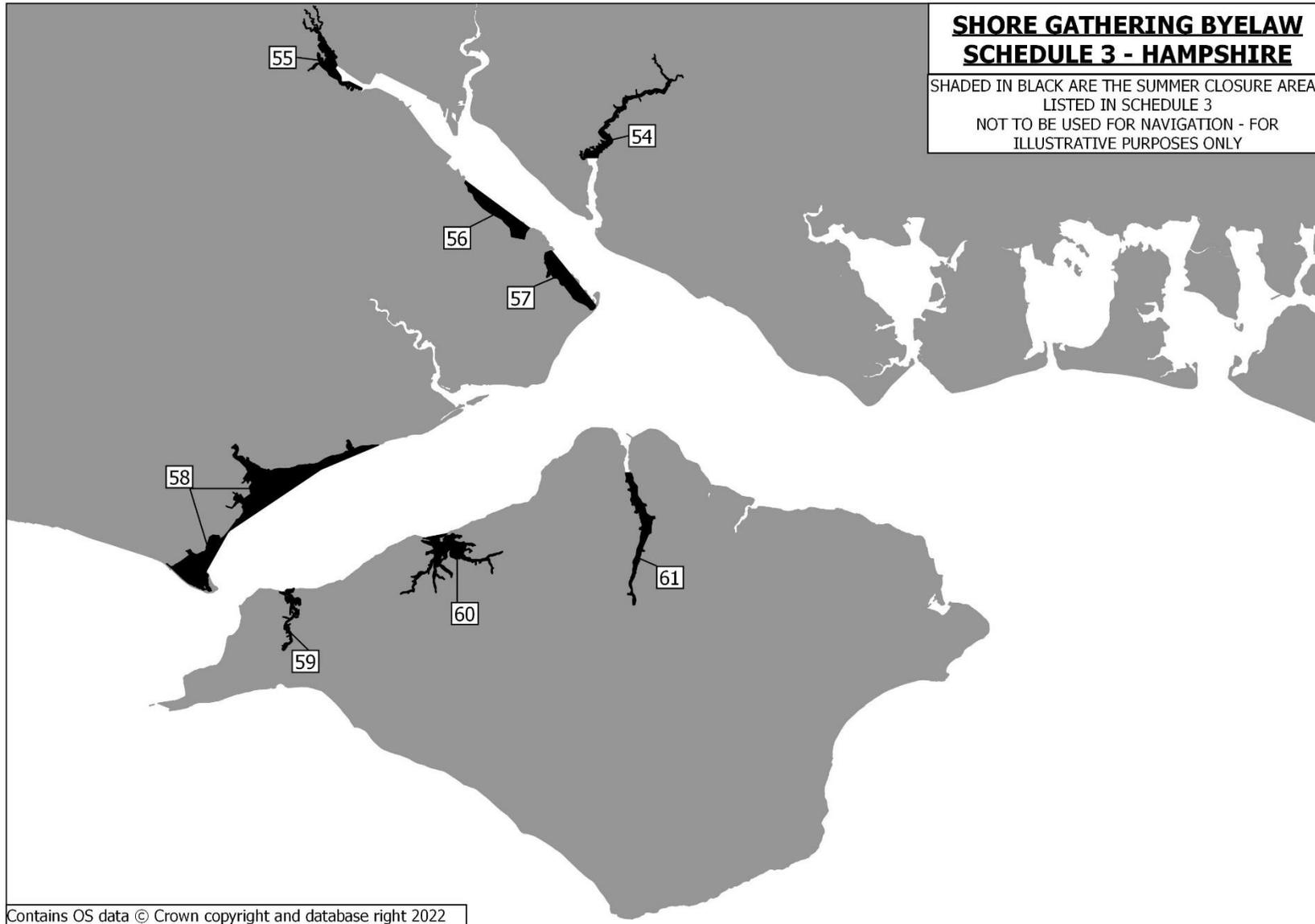
## SCHEDULE 5

WINTER CLOSURE AREAS ILLUSTRATIVE MAPS - the number provided for each Winter Closure Area corresponds to the Area Number in Schedule 2



**SCHEDULE 6**

**SUMMER CLOSURE AREAS ILLUSTRATIVE MAPS - the number provided for each Summer Closure Area corresponds to the Area Number in Schedule 3**



SOUTHERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

**EXPLANATORY NOTE**

**(not part of the byelaw)**

*This byelaw prohibits the fishing for or taking of sea fisheries resources by hand or with the use of handheld operated equipment where the fishing for or taking is for the purpose of harvesting sea fisheries resources in prohibited and seasonally restricted areas.*

*The byelaw creates a carriage offence for hand operated equipment used in the course of or in connection with the fishing for, or taking of sea fisheries resources for the purpose of harvesting, in addition to a restriction which prohibits the deployment of any form of artificial habitat, structure, or shelter to aid the collection of crab species.*

*These measures are in place to protect designated features and supporting habitats within Marine Conservation Zones (MCZs) and within or adjacent to Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).*

*Written dispensations may be granted in accordance with the provisions contained within the byelaw.*

*The Southern Inshore Fisheries and Conservation Authority's 'Fishing for Cockles' byelaw is amended by this byelaw.*

*The Southern Inshore Fisheries and Conservation Authority's byelaws: 'Prohibition of Gathering (Sea Fisheries Resources) in Seagrass Beds Byelaw' and 'Poole Harbour Shellfish Hand Gathering Byelaw' are revoked by this byelaw.*

*The Southern Sea Fisheries Committee byelaws: 'Periwinkles', 'Fishing for Oysters, Mussels and Clams' and 'Redeposit of Shellfish' are revoked by this byelaw.*

SOUTHERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

MARINE AND COASTAL ACCESS ACT 2009<sup>1</sup>

**FISHING FOR COCKLES (AMENDMENT) BYELAW**

The Southern Inshore Fisheries and Conservation Authority, in exercise of the powers conferred by sections 155(1) of the Marine and Coastal Access Act 2009 makes the following byelaw for that District.

**INTERPRETATION**

- (1) In this byelaw:
- a) “the Authority” means the Southern Inshore Fisheries and Conservation Authority as defined in Article 4 of the Southern Inshore Fisheries and Conservation Order 2010<sup>2</sup>;
  - b) “the District” means the Southern Inshore Fisheries and Conservation District as defined in Article 3 of the Southern Inshore Fisheries and Conservation Order 2010<sup>2</sup>;
  - c) “dredge” means a dredge, scoop or similar device that is designed for, or capable of taking any shellfish;
  - d) “Poole Harbour” means that part of the District in Poole Harbour as lies below Mean High Water Springs and to the west of and within an imaginary line between Point 1 (50° 40.809’N 001° 57.000’W) and Point 2 (50° 40.980’N 001° 56.926’W).

**PROHIBITION**

- (3) A person must not fish for or take from a fishery a cockle between the 1st February and the 30th April inclusive.
- (4) A person must not take from a fishery a cockle which will pass through a gauge having a square opening measuring 23.8mm along each side.

**EXCEPTIONS**

- (5) Paragraph (3) does not apply to a person fishing for or taking cockles using a dredge from a vessel within Poole Harbour.

**DISPENSATIONS**

- (6) Paragraphs (3) and (4) do not apply to any person who has obtained a written dispensation issued by the Authority in accordance with paragraph (7) and the authorisation is valid in accordance with paragraph (8).

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<sup>1</sup> 2009 c.23

<sup>2</sup> S.I. 2010/2198

- (7) The Authority may issue a written dispensation for scientific, educational, stocking or breeding purposes.
- (8) A dispensation issued under paragraph (7) will only be valid if:
  - a) The act being undertaken complies with the terms of the dispensation; and
  - b) The dispensation is carried on the person and produced for inspection when requested by an Inshore Fisheries and Conservation Officer of the Authority or any other person authorised by the Authority to make such a request.

**REVIEW**

- (9) The Authority (or a sub-committee thereof authorised by the Authority to do so) will review the suitability of the byelaw in accordance with any changes in best available evidence, to include any statutory advice provided by Natural England or other such bodies, organisations or persons as the Authority deem fit.

**AMENDMENT**

- (10) The byelaw with the title ‘Fishing for Cockles’ made by the Authority, in exercise of its powers under section 155(1) of the Marine and Coastal Access Act 2009, confirmed on 23<sup>rd</sup> June 2015, and in force immediately before the making of this byelaw is amended.

I hereby certify that the above byelaw was made by Southern Inshore Fisheries and Conservation Authority at their meeting on 19<sup>th</sup> September 2024.



.....  
**Pia Bateman**  
 Chief Executive Officer  
 Southern Inshore Fisheries and Conservation Authority

The Secretary of State for Environment, Food and Rural Affairs in exercise of the power conferred by section 155(3) of the Marine and Coastal Access Act 2009 confirms the Shore Gathering Byelaw made by the Southern Inshore Fisheries and Conservation Authority on 19<sup>th</sup> September 2024.

**(TBC)**

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

Date:

## **EXPLANATORY NOTE**

### **(not part of byelaw)**

*The purpose of this byelaw is to manage fishing for cockles within the Southern IFCA District. The byelaw imposes a closed season for fishing for or taking cockles, except within Poole Harbour if a vessel is being used. The byelaw also sets a minimum conservation reference size for cockles that can be taken from a fishery within the Southern IFCA District.*

*This byelaw is an amendment to the “Fishing for Cockles Byelaw” made by the Authority, in exercise of its powers under section 155(1) of the Marine and Coastal Access Act 2009, confirmed on 23<sup>rd</sup> June 2015, and in force immediately before the making of this byelaw. The following amendments were made to the “Fishing for Cockles Byelaw” text:*

- a) Removal of paragraph (3);*
- b) Removal of reference within paragraph (5) to paragraph (3);*
- c) Inclusion of ‘Dispensations’ provision to include revision of text under paragraph (6);*
- d) Inclusion of ‘Review’ provision;*
- e) Renumbering of all paragraphs as required based on (a) to (d).*

<p><b>Title:</b> Southern IFCA Shore Gathering Byelaw</p> <p><b>IA No:</b> SIFCA0124</p> <p><b>RPC Reference No:</b> N/A</p> <p><b>Lead department or agency:</b> Southern Inshore Fisheries and Conservation Authority</p> <p><b>Other departments or agencies:</b> Marine Management Organisation, Natural England, Department for the Environment, Food and Rural Affairs (Defra)</p>	<b>Impact Assessment (IA)</b>
	<b>Date:</b> 05/12/2024
	<b>Stage:</b> Development
	<b>Source of intervention:</b> Domestic
	<b>Type of measure:</b> Secondary Legislation
<p><b>Contact for enquiries:</b> Deputy Chief Officer, Dr Sarah Birchenough, Southern Inshore Fisheries and Conservation Authority, 01202 721373, <a href="mailto:enquiries@southern-ifca.gov.uk">enquiries@southern-ifca.gov.uk</a></p>	
<b>Summary: Intervention and Options</b>	<b>RPC Opinion:</b> N/A

Cost of Preferred (or more likely) Option (in 2019 prices)			
Total Net Present Social Value	Business Net Present Value	Net cost to business per year	Business Impact Target Status
£-853,678	£-851,859	£98,965	Qualifying provision

**What is the problem under consideration? Why is government action or intervention necessary?**

Shore gathering activities such as shellfish gathering, bait digging, push-netting, mechanical harvesting (by hand), crab tilling and seaweed harvesting have the potential to impact certain sensitive features for which MPAs within the National Site Network are designated. Management is required to ensure that the Southern IFCA (SIFCA) can continue to meet its duties under the Marine and Coastal Access Act 2009, the Conservation of Habitats and Species Regulations 2017 and the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 to manage fishing activities in MPAs to ensure features are not adversely affected (Special Areas of Conservation [SACs] and Special Protection Areas [SPAs]), and that Conservation Objectives (Marine Conservation Zones [MCZs]) are furthered. A review of the existing SIFCA management relevant to shore gathering is required as well as consideration of new management interventions to ensure consistent and relevant management for all shore gathering activities in the District in line with Southern IFCA's legal duties

**What are the policy objectives of the action or intervention and the intended effects?**

- To avoid adverse impact from shore gathering activity on SACs and SPAs, and further the conservation objectives of MCZs in the Southern IFCA District
- To review existing management to ensure that it is based on best available evidence and is relevant and consistent for all shore gathering activities in the District
- To manage activity proportionately by considering management for designated features within MCZs and within or adjacent to SACs and SPAs
- To enhance environmental sustainability within the Southern IFCA District
- Intended effect is protection of designated sensitive features in MPAs (National Site Network sites) from shore gathering activities, success is measured by compliance with regulations, measured through compliance and enforcement outputs and, if required, associated enforcement action.

**What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)**

0. Do nothing.
1. Create a new Southern IFCA Shore Gathering Byelaw in order to introduce relevant, consistent and feature-based management for shore gathering activities in line with Southern IFCA's legal duties for sites under the National Site Network (SACs, SPAs and MCZs).
2. Create a Southern IFCA byelaw to prohibit shore gathering activities within the full extent of all MPAs under the National Site Network (SACs, SPAs and MCZs).
3. Voluntary measures.

The preferred option is **Option 1**:

- The revocation of the:
  - Prohibition of Gathering (Sea Fisheries Resources) in Seagrass Beds Byelaw
  - Poole Harbour Shellfish Hand Gathering Byelaw
  - Periwinkles Byelaw
  - Fishing for Oysters, Mussels and Clams Byelaw
  - Redeposit of Shellfish Byelaw
- The amendment of the Fishing for Cockles Byelaw to remove hand gathering gear restrictions.
- The cessation of the Memorandum of Agreement for Bait Digging in Poole Harbour ('Bait Digging MoA').
- And creation of the Southern IFCA Shore Gathering Byelaw.

Option 1 would best enable Southern IFCA to meet its duties. Spatial management in MPAs utilising a feature-based approach is in line with the current legal duties of the Southern IFCA and is a proportionate response to ensuring appropriate protection of the marine environment from shore gathering activities.

<b>Will the policy be reviewed?</b> It will be reviewed. <b>If applicable, set review date:</b> Review in line with provision (10) of the Shore Gathering Byelaw.				
Is this measure likely to impact on international trade and investment?			No	
Are any of these organisations in scope?	<b>Micro</b>	<b>Small</b>	<b>Medium</b>	<b>Large</b>
	<b>Yes</b>	<b>Yes</b>	<b>No</b>	No
What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent)		<b>Traded:</b> N/A	<b>Non-traded:</b> N/A	

*I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.*

Signed by the responsible CHAIR: ..... Date: .....

# Summary: Analysis & Evidence

# Policy Option 1

Description:

## FULL ECONOMIC ASSESSMENT

Base Year 2019	PV Base Year 2020	Period Years 10	Net Benefit (Present Value (PV)) (£)		
			Low: Optional	High: Optional	Best Estimate: £-900,000

COSTS (£)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
		Optional		Optional
	Optional		Optional	<b>Optional</b>
<b>Best Estimate</b>	£1,717		£98,977	£853,678

### Description and scale of key monetised costs by ‘main affected groups’

The **maximum average** annual cost to the UK shore gathering industry is estimated to £98,977 assuming the proposed closures are accessed **every available day**. These consequences are a result of:

- Three commercial bait diggers being displaced from Holes Bay in Poole Harbour for two extra months of the year
- Three commercial bait diggers who currently dig in the River Medina for three months of the year only
- Six bait collectors gathering worms and crabs in The Fleet all year
- Six shrimp netters gathering shrimp for food in The Fleet for 5 months of the year.

The displacement of these groups will impact local bait and tackle shops, the cost of which is included in the figure above.

It should be noted that based on Southern IFCA records of activity data and observations made by Southern IFCA Officers that bait digging activity has not been observed to occur every day in any location. However, given the potential currently for that activity to occur every day during the referenced period, an estimation of cost has been made on this basis, this is highly likely to be an overestimate.

The total transition cost to Southern IFCA associated with the new measures is estimated to be £1,717 and would come in the first year of the byelaw. This cost is related to the update of current information boards and production of new information resources. Ongoing compliance costs would form part of the normal annual delivery of work by Southern IFCA.

### Other key non-monetised costs by ‘main affected groups’

As a consequence of loss of access to certain areas, there is the potential for displacement of fishing effort to other areas, potentially creating additional conflict with other users and reducing the sustainability of fisheries and the marine environment. This is unlikely as a targeted engagement exercise showed minimum overlap with activity and prohibited areas besides from the groups mentioned under monetised costs.

BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
	<b>Low</b>	n/a		n/a
<b>High</b>	n/a		n/a	<b>n/a</b>
<b>Best Estimate</b>	n/a		n/a	<b>n/a</b>

<p><b>Description and scale of key monetised benefits by ‘main affected groups’</b></p> <p>The removal of restrictions related to the type of tools allowed when gathering shellfish may increase the efficiency of shellfish related shore gathering activity and therefore the profits, however there is existing non-compliance with the gear restrictions in place therefore it is likely that shellfish is already being gathered with implements in some cases reducing the overall benefit by removing this restriction. It is not possible to monetise this benefit with the data available. There are no studies into the efficiency of gathering using hand equipment vs hand picking only.</p>	
<p><b>Other key non-monetised benefits by ‘main affected groups’</b></p> <p>Proposed measures will benefit the sustainability of the marine environment through the protection of sensitive designated features within MCZs and within or adjacent to SACs and SPAs that would otherwise be vulnerable to potentially damaging shore gathering techniques. Certain designated features are also defined as blue carbon habitats contributing to offsetting climate change. Such benefits are difficult to quantify.</p>	
<p><b>Key assumptions/sensitivities/risks</b></p> <p>A key assumption is that the management intervention will be successful in preventing shore gathering activities within prohibited areas and that the exclusion of these activities will lead to maintenance and/or recovery of designated sensitive features.</p> <p>Costs to industry have been calculated using information from Southern IFCA stakeholders gathered during an engagement exercise. Data on economic value of harvested species is lacking in landings data and for certain activities, such as recreational harvesting or bait gathering there is no requirement to report landings. Therefore, direct engagement was the only method of obtaining an assessment of potential costs.</p> <p>Costs was calculated using the <b>maximum</b> volume of catch and financial gain provided through the engagement exercise. This impact assessment estimates the <b>maximum impact</b> to industry on this basis. It should be noted that based on Southern IFCA records of activity data and observations made by Southern IFCA Officers that the levels of effort for relevant activities (bait digging and crab collection) do not equate to the maximum available period for undertaking this activity and therefore whilst the maximum cost has been calculated, this is highly likely to be an overestimate.</p>	<p><b>Discount rate (%)</b>   3.5</p>

**BUSINESS ASSESSMENT (Option 1)**

<p><b>Direct impact on business (Equivalent Annual) £:</b></p>			<p><b>Score for Business Impact Target (qualifying provisions only):</b></p>
<p><b>Costs:</b> 98,965</p>	<p><b>Benefits:</b> N/A</p>	<p><b>Net:</b> 98,965</p>	
			<p>0.494824</p>

## Evidence Base

### 1 Problem under consideration and rationale for intervention

- 1.1 This Impact Assessment (IA) is for the Southern Inshore Fisheries and Conservation Authority (SIFCA) Shore Gathering Byelaw (“the Byelaw”). The Byelaw will manage shore gathering activity in the Southern IFCA District and has been developed through a review of shore gathering activity undertaken by the Southern IFC Authority.
- 1.2 Shore gathering activities such as shellfish gathering, bait digging, push-netting, mechanical harvesting (by hand), crab tilling and seaweed harvesting have the potential to impact certain sensitive features for which MPAs in the National Site Network are designated. Management is required to ensure that the Southern IFCA (SIFCA) can continue to meet its duties under the Marine and Coastal Access Act 2009, The Conservation of Habitats and Species Regulations 2017 and the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 to manage fishing activities in MPAs (National Site Network Sites) to ensure features are not adversely affected (SACs and SPAs), and that Conservation Objectives (MCZs) are furthered. A review of the existing SIFCA management is required to ensure consistent and relevant management for all shore gathering activities in the District.
- 1.3 There have been 1357 occurrences of shore gathering within MPAs (SACs, SPAs and MCZs) recorded by SIFCA between July 2007 and March 2024. These occurrences have been recorded as sightings or inspections by Southern IFCA Officers and further information on activity can be found in the supporting document for the byelaw, the Site-Specific Evidence Document. As Southern IFCA patrols are intelligence led and dictated by resource and activity, this figure will not reflect all shore gathering activity which takes place in the District, however the timeseries dataset gives an overview of preferred areas and seasonal patterns. Levels of shore gathering activities occurring in the Southern IFCA District are deemed to be low based on best available evidence with the most occurrences in a single site in a single month being less than 20.
- 1.4 Shore gathering activity can potentially cause negative outcomes as a result of ‘market failures’. These failures can be described as:
- **Public goods and services** – a number of goods and services provided by the marine environment such as biological diversity are ‘public goods’ (no-one can be excluded from benefiting from them, but use of the goods does not diminish the goods being available to others). The characteristics of public goods, being available to all but belonging to no-one, mean that individuals do not necessarily have an incentive to voluntarily ensure the continued existence of these goods which can lead to under-protection/provision.
  - **Negative externalities** – Negative externalities occurs when the cost of damage to the marine environment is not fully borne by the users causing the damage. In many cases no monetary value is attached to the goods and services provided by the marine environment, and this can lead to more damage occurring than would occur if the users had to pay the price of damage. Even for those marine harvestable goods that are traded (such as wild fish), market prices often do not reflect the full economic cost of the exploitation or of any damage caused to the environment by that exploitation.
  - **Common goods** – A number of goods and services provided by the marine environment such as populations of wild fish are ‘common goods’ (no-one can be excluded from benefiting from those goods however consumption of the goods does diminish that available to others). The characteristics of common goods (being available but belonging to no-one, and of a diminishing quantity), mean that individuals do not necessarily have an individual economic incentive to ensure the long-term existence of these goods which can lead, in fisheries terms, to potential overfishing. Furthermore, it is in the interest of each individual to catch as much as possible as quickly as possible so that competitors do not take all the benefits. This can lead to an inefficient amount of effort and unsustainable exploitation

1.5 The Byelaw aims to redress these sources of market failure in the marine environment through the following ways:

- Management measures to ensure that designated features and supporting habitats are not adversely affected (SACs and SPAs) and to ensure that Conservation Objectives are furthered (MCZs) will ensure negative externalities are reduced or suitably mitigated.
- Management measures will support continued existence of public goods in the marine environment, for example conserving the range of biodiversity in the Southern IFC District.
- Management measures will also support continued existence of common goods in the marine environment, for example ensuring the long-term sustainability of stocks of sea fisheries resources in the IFC District.

## 2 Southern IFCA Legal Duties

2.1 Southern IFCA is responsible for the management of fishing activities in the coastal waters of Dorset, Hampshire and the Isle of Wight. These waters contain highly biodiverse and ecologically rich habitats, providing a range of valuable ecosystem services. The value of these habitats and species is recognised through a range of Marine Protected Area (MPA) designations, collectively contributing to the UK's MPA Network ("the National Site Network").

2.2 Southern IFCA has duties under section 154 of the Marine and Coastal Access Act 2009<sup>1</sup> ("the MaCAA") for the protection of features within marine conservation zones as follows:

- (1) The authority for an IFC district must seek to ensure that the conservation objectives of any MCZ in the district are furthered.
- (2) Nothing in section 153(2) is to affect the performance of the duty imposed by this section.
- (3) In this section –
  - a. "MCZ" means a marine conservation zone designated by an order under section 116;
  - b. the reference to the conservation objectives of an MCZ is a reference to the conservation objectives stated for the MCZ under section 117(2)(b)

2.3 Section 125 of the MaCAA also requires that public bodies (which includes the IFCA) exercises its functions in a manner to best further (or, if not possible, least hinder) the conservation objectives for MCZs.

2.4 Southern IFCA has duties under the Conservation of Habitats and Species Regulations 2017<sup>2</sup> and the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019<sup>3</sup> (referred to jointly in this document as the "Conservation Regulations"). The Conservation Regulations transpose the land and marine aspects of the Habitats Directive and Wild Birds Directive into domestic law and outlines how the National Site Network will be managed.

2.5 The National Site Network is a network of protected sites which are designated for rare and threatened species and rare natural habitat types. These sites include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), designated under the EC Habitats Directive 1992<sup>4</sup> and the EC Birds

<sup>1</sup> [Marine and Coastal Access Act 2009 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

<sup>2</sup> [The Conservation of Habitats and Species Regulations 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

<sup>3</sup> [The Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

<sup>4</sup> [EUR-Lex - 31992L0043 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu)

Directive 2009<sup>5</sup>, respectively. The National Site Network also includes MCZs designated under the MaCAA.

- 2.6 Under Regulation 6 of the Conservation of Habitats and Species Regulations 2017, Southern IFCA, as a named competent authority, must ensure that fishing activity within or adjacent to an SAC or SPA does not damage, disturb or lead to a deterioration of a species which receives protection under the relevant designation, so as to ensure compliance with the Habitats Directive and Birds Directive.
- 2.7 For MCZs, where section 154 of the MaCAA states that an IFCA's performance in meeting the duty to further Conservation Objectives for features within an MCZ should not be affected by anything listed in the general IFCA duties under section 153, this includes social or economic considerations. Likewise, for SACs and SPAs, the overarching legislation does not provide for the consideration of social or economic factors/impacts when making management decisions which are required to ensure that the duty of no adverse effect is met for activity within or adjacent to these sites. Once these duties have been satisfied, if there is a need for further management intervention then this would be developed in consideration of any other relevant material considerations (matters that should be taken into account when making a decision) which includes consideration of socio-economic factors.

### 3 Review of Shore Gathering Activity

- 3.1 Shore gathering is the action of gathering sea fisheries resources in the intertidal or shallow subtidal environment. Activities are carried out on foot and include shellfish gathering, bait digging/collection, shrimp push-netting, crab tilling/collection, mechanical harvesting (by hand) and the harvesting of seaweed by hand from the shore. A selection of shore gathering activities are already managed in the District through a combination of byelaws and non-statutory measures, these measures are:
- Prohibition of Gathering (Sea Fisheries Resources) in Seagrass Beds Byelaw
  - Poole Harbour Shellfish Hand Gathering Byelaw
  - Periwinkles Byelaw
  - Fishing for Oysters, Mussels and Clams Byelaw
  - Redeposit of Shellfish Byelaw
  - Fishing for Cockles Byelaw
  - The Bait Digging MoA
- 3.2 During 2022, Southern Inshore Fisheries and Conservation Authority (IFCA) commenced a review of management for shore gathering activities in the District, to consider where management may be required for Tranche 3 Marine Conservation Zones (MCZs) and in response to an update to the evidence base provided by the Statutory Nature Conservation Body, Natural England, on the location and extent of designated features. In addition, the review encompassed consideration of existing legislation which relates to shore gathering activities.

This review was further informed in 2023 by the publication of The Environmental Improvement Plan 2023 (EIP)<sup>6</sup>, introduced by Government as the first revision of the 25-Year Environment Plan<sup>7</sup>. The Environment Plan identified the Government's intention to support progress towards the UN's Sustainable Development Goals under the Global Biodiversity Framework which includes protection of 30% of the global ocean by 2030. At a domestic level, the Government aim to achieve this by enhancing protection for MPAs. Under the goal of Thriving Plants and Wildlife in the EIP, there is a target for 70% of designated features in MPAs to be in favourable condition by 2042 with the remainder in recovering condition and a new interim target of 48% of this to be achieved by 31<sup>st</sup> January 2028. The delivery of this is to be supported through strengthened protections in MPAs by 2024. Appropriate regulators, including IFCAs, are required to ensure that management measures are in place for all MPAs by 2024 in order for this interim target to be achieved. For the Southern IFCA, this includes management of shore gathering activities in relevant MPAs. In line with the targets for the EIP, the Shore Gathering Review was re-defined to focus on feature-based management interventions for MPAs: sites designated under the National Site Network (SACs, SPAs and MCZs).

<sup>5</sup> [EUR-Lex - 32009L0147 - EN - EUR-Lex \(europa.eu\)](#)

<sup>6</sup> [Environmental Improvement Plan 2023 - GOV.UK \(www.gov.uk\)](#)

<sup>7</sup> [25 Year Environment Plan - GOV.UK \(www.gov.uk\)](#)

## Conservation Assessments

- 3.3 The evidence to support the outcomes of this review was collated through a series of environmental assessments relevant to shore gathering activities for MCZs, SACs and SPAs. A determination of whether management measures are appropriate to meet the legal duties for relevant sites is made through the completion of an MCZ Assessment (for MCZs) or a Habitats Regulations Assessment (HRA, for SACs and SPAs). For the latter, a duty is placed on Southern IFCA as a competent authority under Article 6(3) of the Habitats Directive, whereby any plan or project likely to have a significant effect on an SPA or SAC within the National Site Network, either individually or in combination with other plans or projects, is to undergo an appropriate assessment, namely a Habitats Regulation Assessment (HRA). The plan or project must be assessed in view of the site's conservation objectives. Accordingly, MCZ Assessments and HRAs were undertaken as part of the review.
- 3.4 The MCZ assessment process is staged, comprising of an initial screening assessment to establish whether an activity occurs or is anticipated to occur/has the potential to occur within the site. Activities which are not screened out are subject to a 'Part A' assessment, akin to the Test of Likely Significant Effect required under the Habitats Directive. The aim of this assessment is to identify pressures capable of significantly affecting designated features or their related processes. Fishing activities and their associated pressures which are not screened out in the Part A assessment are then subject to a more detailed 'Part B' assessment, where assessment is undertaken on a gear type basis. The Part B assessment is akin to the Appropriate Assessment required under the Habitats Directive. The aim of this assessment is to determine whether there is a significant risk of the activity hindering the Conservation Objectives of the MCZ. The Part B assessment assesses the proposed management measures for the relevant activities to determine if the mitigation provided allows the IFCA to meet its legal duties.
- 3.5 MCZ assessments for shore gathering activities were undertaken for the following MCZs in the Southern IFCA District:
- Bembridge MCZ
  - Studland Bay MCZ
  - Yarmouth to Cowes MCZ
  - Purbeck Coast MCZ
  - The Needles MCZ
  - Chesil Beach and Stennis Ledges MCZ
- 3.6 The first stage in the HRA process is a screening of activities (in the same format as for an MCZ assessment), for activities screened in, a Test of Likely Significant Effect (TLSE) is undertaken, which is designed to test whether relevant pressures for an activity are likely to cause a significant effect on the designated features of an SAC or SPA. All the features/sub-features and supporting habitats for a site are subject to the TLSE assessment for relevant activities. Where the potential for a likely significant effect cannot be excluded an Appropriate Assessment must then be undertaken which must consider, in detail, the potential effects of the activity being assessed on any features/sub-features and supporting habitats where a likely significant effect has been identified and determine if proposed mitigation through management measures allows the IFCA to meet its legal duties.
- 3.7 SAC/SPA assessments for shore gathering activities were undertaken for the following SPAs and SACs in the Southern IFCA District:
- Lyme Bay and Torbay SAC
  - Studland to Portland SAC
  - Chesil and the Fleet SAC
  - Solent Maritime SAC

- South Wight Maritime SAC
- Chesil Beach and The Fleet SPA
- Poole Harbour SPA
- Solent and Southampton Water SPA
- Portsmouth Harbour SPA
- Chichester and Langstone Harbours SPA

3.8 Consideration of feature-based management for MPAs is in line with the legal duties of Southern IFCA in relation to the different designations of MPA. In all cases the term 'feature' is used to refer to designated features and supporting habitats for designated features under SPA designations.

3.9 Members of the Southern IFC Authority agreed, through a Working Group in early 2024 and the IFCA Technical Advisory Sub-Committee in May 2024, a set of Management Principles which would underpin the management measures for shore gathering. Defining these principles ensures a transparent approach to management and that this approach is applied consistently across the District.

3.10 The Management Principles are as follows:

1. The best available evidence used to inform feature-based protection for features designated under relevant MCZs, SACs and SPAs is:
  - a. The Natural England (NE) designated features layer provided to Southern IFCA in 2023
  - b. The National Seagrass Layer obtained from the Defra Government Website
  - c. NE (quality assured) commissioned Hampshire and Isle of Wight Wildlife Trust (HIWWT) seagrass data provided to Southern IFCA in 2024
2. Any additional data received after 9<sup>th</sup> May 2024 will be considered during the period of formal consultation and then (subject to byelaw ratification), in subsequent byelaw reviews, as determined by the provisions of the byelaw.
3. For relevant features a GPS buffer of 10m will be incorporated.
4. Prohibition areas will be defined as follows:
  - a. For designated seagrass features within MCZs that occur up to the 2m chart datum contour.
  - b. For seagrass designated as a feature or as a supporting habitat, within or adjacent to SACs and SPAs that occur up to the 2m chart datum contour.
5. Existing Southern IFCA management measures for relevant activities in the Poole Harbour SPA will be combined to create a single management approach.
6. With the exception of seagrass, the extent and distribution of feature-based management in the Solent Maritime SAC and District wide SPAs will be developed using Poole Harbour as a model.
7. In the application of the Poole Harbour model to the Solent Maritime SAC and District wide SPAs, the following approach will be taken:
  - a. Bird Sensitive Areas (BSA) will be used as the basis for spatial management.
  - b. In the absence of BSAs being defined by Natural England in the Solent Maritime SAC and District wide SPAs (excluding Poole Harbour), BSAs will be defined as follows:
    - i. For the Solent Maritime SAC and Solent SPAs, BSAs will be initially defined using areas proposed for management as good examples of estuarine habitat under the Bottom Towed Fishing Gear Byelaw 2023 and adapted to be relevant to shore gathering activity.
    - ii. For the Solent Maritime SAC, Solent SPAs and The Chesil and The Fleet SPA, consideration will be given to aligning BSAs with directions relating to access and shore gathering activities given by other bodies, for example harbour authorities and conservation bodies.

- c. The requirements for seasonal management within BSAs will be considered on the basis of best available evidence.

8. A code of practice will be developed for the gathering of seaweed by hand.

#### **4 Rationale and evidence to justify the level of analysis used in the IA (proportionality approach)**

- 4.1 The level of evidence presented through the environmental assessments to inform the appropriateness and robustness of management intervention to meeting the IFCA's legal duties is appropriate to the problem under consideration. These assessments have been based on best available evidence of feature/supporting habitat location and extent in MPAs as provided to the Southern IFCA by Natural England, as the Government's Nature Conservation Advisors, in 2023, supported by data from The National Seagrass Layer (obtained from the Defra Government website) and NE (quality assured) commissioned HIWWT seagrass data provided to Southern IFCA in 2024.
- 4.2 The development of the Shore Gathering Byelaw to consider feature-based management interventions for designated features within MCZs and within and adjacent to SACs and SPAs means that, where management is required to meet the IFCA's relevant legal duties for those sites, the development of management is unable to consider socio-economic factors. Information has been sought from stakeholders to inform the anticipated cost to industry through the implementation of the Byelaw as this is the only method through which data would be available for affected activities as landings/catch data is not available for the relevant activities, however no further data has been sought on socio-economic impacts, due to the inability for the IFCA to consider this information when making feature-based management decisions to satisfy legal duties. The Shore Gathering Byelaw is deemed to satisfy those legal duties and thus does not require any further precautionary interventions, in the event that management interventions had been included which were additional to those required to meet the IFCA's legal duties then further consideration of socio-economic impacts, alongside any other relevant material considerations would have been given.

### **5 Description of options considered**

#### **5.1 Option 0: Do nothing**

Under this option, management of Shore Gathering activities would continue under the current legislation, and voluntary codes of practice.

- 5.1.1 This would result in spatial management not being updated to include the current best available evidence on feature location and extent, as well as not introducing management in the relevant Tranche 3 MCZs. Southern IFCA would not fulfil its legal duties of feature-based management for designated features and supporting habitats in SACs, SPAs and MCZs as listed under MaCAA and the Conservation Regulations.

#### **5.2 RECOMMENDED OPTION**

**Option 1: Create a new Southern IFCA Shore Gathering Byelaw in order to introduce relevant, consistent and feature-based management for shore gathering activities in line with Southern IFCA's legal duties for sites under the National Site Network (SACs, SPAs and MCZs).**

Under this option a byelaw would be created based on the Management Principles outlined in Section 3.10 to manage shore gathering activities through a single regulatory mechanism, introducing new and revised feature-based spatial and temporal management for shore gathering activities in SACs, SPAs and MCZs.

- 5.2.1 Under this option, the following byelaws would be revoked:

- Prohibition of Gathering (Sea Fisheries Resources) in Seagrass Beds Byelaw
- Poole Harbour Shellfish Hand Gathering Byelaw
- Periwinkles Byelaw
- Fishing for Oyster mussels and clams Byelaw
- Redeposit of Shellfish Byelaw

5.2.2 This option would require the cessation of the Memorandum of Agreement for Bait Digging in Poole Harbour.

5.2.3 Under this option, the following byelaws would be amended:

- Fishing for Cockles Byelaw

5.2.4 This option would allow Southern IFCA to meet its duties for MCZs under the MaCAA and for SACs and SPAs under the Conservation Regulations. This option, will allow the IFCA to meet the Government target of ensuring that management measures are in place for all MPAs by 2024.

### **5.3 Option 2: Create a Southern IFCA byelaw to prohibit shore gathering activities within the full extent of all MPAs under the National Site Network (SACs, SPAs and MCZs)**

Under this option a single byelaw would be created to prohibit shore gathering activities within the full spatial extent of all MPAs under the National Site Network (SACs, SPAs, MCZs).

5.3.1 This approach would allow Southern IFCA to meet its duties under the MaCAA, however under the Conservation Regulations, Southern IFCA must ensure that fishing activity does not damage, disturb or have an adverse impact upon the features for which an SAC or SPA has been legally protected. As such, full spatial closures of MPAs would be exceeding the legislative requirements upon IFCAs under the Conservation Regulations. Relevant to all National Site Network Sites, this option would be disproportionate to the spatial footprint and level of impact caused by the activities under review and, in going beyond the meeting of IFCA legal duties, would require a full assessment of all relevant material considerations applicable to each site/activity, including balancing the needs of the marine environment with the socio-economics of the fishing industry.

### **5.4 Option 3: Voluntary measures**

5.4.1 Due to the total area and environmental value of the District's SACs, SPAs and MCZs, coupled with the number of different types of shore gathering activity, it is believed that a voluntary agreement would pose too great a risk to the integrity of the environmental designations. In support of this statement, voluntary measures have previously been used to manage bait digging activity within the Poole Harbour SPA under the Bait Digging MoA. Southern IFCA have 81 recorded breaches of the MoA since its introduction in 2013, providing an indication that voluntary measures are no longer suitable to ensure that the appropriate protection is provided to the site.

## **6 Policy objectives**

6.1 The policy objectives of the Shore Gathering Byelaw 2024 are:

- To avoid adverse impact from shore gathering activity on SACs and SPAs, and further the conservation objectives of MCZs in the Southern IFCA District
- To review existing management to ensure that it is based on best available evidence and is relevant and consistent for all shore gathering activities in the District
- To manage activity proportionately by considering management for designated features within MCZs and within or adjacent to SACs and SPAs
- To enhance environmental sustainability within the Southern IFCA District

- Intended effect is protection of designated sensitive features in MPAs (National Site Network sites) from shore gathering activities, success is measured by compliance with regulations, measured through compliance and enforcement outputs and, if required, associated enforcement action

## 7 The Shore Gathering Byelaw

7.1 The Shore Gathering Byelaw provides spatial management for sensitive habitats and species within MCZs and within or adjacent to SACs and SPAs to mitigate potential impacts from shore gathering activities. Spatial management is further defined by prohibition (year-round) or seasonal management, with three types of management areas under the Byelaw:

- Prohibited Areas (year-round)
- Summer Closure Areas (closed 1st March to 31st August)
- Winter Closure Areas (closed 1st November to 31st March)

During those periods of closure, no shore gathering activities will be permitted to take place in accordance with the definitions for shore gathering

7.2 This management is introduced through the following provisions in the Byelaw:

### Prohibitions

- i. No person shall fish for or take sea fisheries resources by hand or with the use of hand operated equipment where the fishing for, or taking is for the purpose of harvesting sea fisheries resources.
- ii. No person shall have with them any hand operated equipment for use in the course of, or in connection with, the fishing for, or taking of sea fisheries resources for the purpose of harvesting.
- iii. No person shall use or deploy any form of artificial habitat, structure or shelter to aid the collection of crab.

The definition of 'harvesting' in relation to the above prohibitions is given as: to remove and retain for the purposes of consumption, selling, displaying, using as part or wholly for a product or service, cultivating, introducing to the sea or using as bait whether carried out for commercial purposes or otherwise.

### Exceptions

- iv. Points (i) and (ii) do not apply to the fishing for or taking of sea fisheries resources using a vessel provided that no part of the vessel's hull is in contact with the seabed
- v. Points (i) and (ii) do not apply when using:
  - a. Hook and line in conjunction with a fishing rod
  - b. Handlines
  - c. Spear gun
  - d. A net other than a push net

These provisions ensure that all relevant activities are covered. The potential impacts which require spatial management are applicable to all types of shore gathering activity and therefore in order to ensure that identified protections for designated features are appropriately mitigating those impacts, there is a need to manage all relevant activities consistently.

7.3 The byelaw will have year-round prohibition areas in 43 areas of the District. The area numbers in table 1 align with those in the schedule of the byelaw.

Table 1 Year-round prohibitions as defined in the Byelaw

Area of District	Shore Gathering Prohibition Area Number
Chichester Harbour	1 - 2
Langstone Harbour	3 – 12
Portsmouth Harbour	13 – 16
Southampton Water	17 - 18
Beaulieu	19
Isle of Wight	20 – 34
Poole Harbour	35 – 40
Studland Bay	41 - 42
The Fleet	43

- 7.4 The byelaw will have seasonal prohibition between 1<sup>st</sup> November and 31<sup>st</sup> March in 10 areas of the District. The area numbers in table 2 align with those in the schedule of the byelaw.

Table 2 Seasonal prohibitions between 1<sup>st</sup> November and 31<sup>st</sup> March as defined in the Byelaw

Area of District	Shore Gathering Prohibition Area Number
Poole Harbour	44 – 53

- 7.5 The byelaw will have seasonal prohibition between 1<sup>st</sup> March and 31<sup>st</sup> August in 8 areas of the District. The area numbers in table 3 align with those in the schedule of the byelaw.

Table 3 Seasonal prohibitions between 1<sup>st</sup> March and 31<sup>st</sup> August as defined in schedule

Area of District	Shore Gathering Prohibition Area Number
Southampton Water	54 - 57
Lymington & Keyhaven	58
Isle of Wight	59 - 61

- 7.6 The Byelaw provides for the Authority to issue a written dispensation to any person committing an act which would otherwise constitute an offence against the byelaw if the act is for the purpose of educational, scientific, stocking or breeding purposes, is being undertaken in accordance with that purpose and the dispensation is carried on board and produced for inspection when requested by an IFCO of the Authority or any other person authorised by the Authority to make such a request.
- 7.7 The Byelaw provides for the Authority to review the suitability of the byelaw in accordance with any changes in best available evidence, to include any statutory evidence provided by Natural England or other such bodies, organisations or persons as the Authority deems fit.

- 7.8 The total area closed to shore gathering activity year-round through the proposed closure areas under the Shore Gathering Byelaw is 20.28 km<sup>2</sup> representing 0.74% of the Southern IFCA District. **This is an increase of 4.97 km<sup>2</sup> from the current year-round spatial footprint of the Prohibition of Gathering (Sea Fisheries Resources) in Seagrass Beds Byelaw.** The total area closed to shore gathering activity between the 1<sup>st</sup> November and 31<sup>st</sup> March is 5.27 km<sup>2</sup> representing 0.19% of the Southern IFCA District. **This remains the same as the current 1<sup>st</sup> November to 31<sup>st</sup> March closures under the Poole Harbour Shellfish Hand Gathering Byelaw.** The total area closed to shore gathering activity between the 1<sup>st</sup> March and 31<sup>st</sup> August is 17.26 km<sup>2</sup> representing 0.63% of the Southern IFCA District. **There is currently no shore gathering management in the Southern IFCA District occurring in this period.** The total area of the District closed under year-round and seasonal closures is 42.81km<sup>2</sup> representing 1.56% of the Southern IFCA District.
- 7.9 In addition to the Byelaw, Southern IFCA have developed the Southern IFCA Seaweed Harvesting Code of Conduct has been developed. The Code of Conduct is in line with other seaweed harvesting CoCs around the UK and has primarily used a CoC developed by Natural England in conjunction with partners including other IFC Authorities as a base with the inclusion of specific provisions relevant to the needs of applicable National Site Network Sites.

The CoC includes voluntary provisions for:

- Obtaining relevant permissions
- Harvesting only by hand
- No use of vehicles
- Avoiding disturbance to sea birds
- Avoiding trampling or taking of non-target species
- Collection of less than 1/3 of an individual plant
- Cutting fronds above the point of growth and leaving the holdfast
- Harvesting sparsely and taking only a small percentage of standing stock
- Rotating harvest areas
- Harvesting during the active growing season
- Harvesting after reproduction has occurred and ensuring a sustainable proportion of mature plants remain
- INIS protocols
- Not collecting drift seaweed from the entire length of stand lines
- Keeping records of volumes of species harvested
- Limiting harvesting in erosion-prone coastal areas where kelp forests dissipate wave energy
- Being aware of hazards on the foreshore

## 8 Consultation

### 8.1 Formal Consultation

- 8.1.1 A Formal Consultation followed the decision to make the Shore Gathering Byelaw and the Fishing for Cockles (Amendment) Byelaw by the Southern IFCA Authority on 19<sup>th</sup> September 2024.
- 8.1.2 A copy of the notice for the Formal Consultation, published in the Fishing News, the Southern Daily Echo, the Dorset Echo and the Isle of Wight County Press is provided in Annex 1 to this document. The first publication of the notice was on 3<sup>rd</sup> October 2024.
- 8.1.3 Notice of the Formal Consultation was also posted to the Southern IFCA website on the Live Consultations page, linked through the news page and homepage, and on the Southern IFCA X, Instagram and Facebook pages, copies of the posts are also provided in Annex 1.
- 8.1.4 Email communications regarding the formal consultation were sent to stakeholder groups in the District and member organisations for the Memorandum of Agreement for Bait Digging in Poole Harbour. A presentation on the formal consultation was given by Officers at a meeting of the Solent Forum.

- 8.1.5 As part of the formal consultation process, Southern IFCA have responded to requests from stakeholders and provided additional information to support the formal consultation as follows:
- Provision of Byelaw coordinates for the Shore Gathering Byelaw in a grid-reference format
  - Inclusion on the website of detailed maps of each site in addition to the maps provided as part of the Shore Gathering Byelaw

8.1.6 The closing date of the Formal Consultation was the 14<sup>th</sup> November 2024.

- A total of 4 letters of objection were received during the Formal Consultation.
  - 3 to the Shore Gathering Byelaw
  - 1 to the Shore Gathering Byelaw and the Fishing for Cockles (Amendment) Byelaw
- In addition, 7 additional responses were received: 1x providing supplementary information, 4x support but seeking additional intervention, 1x letter of support and 1x letter of enquiry.

## 9 Monetised and non-monetised costs and benefits of each option (including administrative burden)

9.1 Option 1 will be analysed in comparison to Option 0.

9.2 The creation of the Southern IFCA Shore Gathering Byelaw may result in the following costs:

- Direct costs to the fishing industry as a result of reduced access or loss of access to fishing grounds.
- Costs to Southern IFCA for information boards to support compliance.
- Indirect costs to the fishing industry associated with displacement to other fishing grounds.

9.3 Costs to the fishing industry from reduced access or loss of access to fishing grounds and compliance costs to Southern IFCA can be monetised and these estimated values have been collated and presented as part of this IA.

9.4 Indirect costs to the fishing industry associated with displacement are difficult to value and are therefore described here as non-monetised costs.

## 10 Costs and Benefits to the Fishing Industry

10.1 To estimate the economic cost, Southern IFCA undertook a targeted engagement exercise to gather the potential impact of changes to shore gathering management in the District. In the absence of any available catch data from national mechanisms being available for shore gathering activities, targeted engagement was the most appropriate method to gather this information.

Through this exercise it was determined that commercial bait digging participants are expected to incur costs as a result of reduced access or loss of access to fishing grounds within year-round prohibition areas under the Byelaw. These costs will be incurred as a direct result of the closure of the fishing area.

10.2 Specifically, it was determined that changes to bait digging management in the southern section of Holes Bay, Poole Harbour would displace 3 commercial bait diggers for two months of the year, this equates to a total **maximum** estimated loss of £14,640 to diggers and £20,496 to merchants if

diggers were to **dig every day of each of the two months**. This is based on a maximum of 61 available days, with weight range of 7lbs-8lbs per day and a payment of £10 per lb of bait paid to the digger. Maximum merchant loss is calculated using a sale price of £18 - £24 per lb of bait recognising that the payment to the digger of £10 would need to be removed, making a profit price of £8-14 per lb for a merchant. It should be noted that based on Southern IFCA records of activity data and observations made by Southern IFCA Officers that bait digging activity has not been observed to occur every day in this, or any other location. However, given the potential currently for that activity to occur every day during the referenced period, an estimation of cost has been made on this basis, this is highly likely to be an overestimate.

- 10.3 Changes to bait digging management in the River Medina, Isle of Wight would displace 3 commercial bait diggers for the 'summer months of the year'. Assuming the summer months to be June, July and August, and if diggers were to **dig every day of each of the three months**, there would be a total **maximum** estimated loss of £22,080 to diggers and £30,912 to merchants. This is based on a maximum of 92 available days, with weight range of 7lbs-8lbs per day and a payment of £10 per lb of bait paid to the digger. Maximum merchant loss is calculated using a sale price of £18 - £24 per lb of bait recognising that the payment to the digger of £10 would need to be removed, making a profit price of £8-14 per lb for a merchant. The same note regarding actual versus potential levels of activity applies in this case also.
- 10.4 The removal of gear restrictions on current shellfish harvesting will have a financial benefit to the fishing industry, for example through the ability to gather Manila clam using hand operated equipment rather than by just hand picking. However, it is noted that there has been non-compliance historically with the restriction on Manila clam harvesting being by hand picking only therefore it is likely that a proportion of currently gathered Manila clam is already undertaken using such an implement and thus the benefit to fishers will be lower than if there was full compliance with this regulation. In addition, the gathering for cockles which can take place using a hand-held implement is likely to reveal other shellfish species unintentionally, resulting in their collection, again lessening the potential financial gain by removing this measure. The complexity of the current measure which limits the use of hand operated equipment to certain species provides no additional environmental benefit over that achieved through the proposed spatial restrictions therefore it is proposed to be revoked through the making of the Shore Gathering Byelaw. It is not possible to quantify the potential financial benefit or revoking this measure due to the lack of data available on the efficiency of hand picking vs hand rakes when used in shellfish gathering and the above outlined factors regarding current practice.
- 10.5 The exercise also involved meeting with six commercial shellfish gatherers operating across Poole and the Solent. The proposed closure areas do not affect those operating in Poole as they remain unchanged from current management. Two representations through the Formal Consultation indicated an impact to hand gathering shellfish in Southampton Water, specifically around Hill Head, however no financial information on this impact was provided. Specific concerns related to Area 17, a Prohibited Area in Southampton Water, approximately two thirds of the proposed Prohibited Area overlaps with an existing prohibition which covers shellfish hand gathering under the Southern IFCA Prohibition of Gathering (Sea Fisheries Resources) in Seagrass Beds Byelaw and has therefore not been open to this activity since 2013. The proposed Prohibited Area under the Shore Gathering Byelaw represents 0.26 km<sup>2</sup>, compared to 0.39 km<sup>2</sup> which is currently prohibited.
- 10.6 A response from the formal consultation drew attention to the impact on bait collectors and participants gathering shrimp as a food source in The Fleet. The bait collectors gather peeler crabs for use as bait. If the 6 operating bait collectors were to purchase the necessary 0.5lbs of bait from a shop every day of the week for the full year, there would be a **maximum** loss to the bait collectors of £24,024 based on £11 per 0.5lb of bait.
- 10.7 The changes to restrictions in The Fleet would also impact up to 6 shrimp push netters gathering shrimp as a food source once per week from November to March. The cost of replacing these with shop bought shrimp could result in a **maximum loss** of £240 per year.
- 10.8 Due to there being low levels of seaweed gathering, crab tilling and push netting and no recorded instances of mechanical harvesting activity in the District, along with no requirement to provide data

to either Southern IFCA or the Marine Management Organisation (MMO) for these activities, there is currently no method of determining participants in these fisheries and thus actively engaging to understand any economic impact. However, due to the low levels or absence of activity, participants are not expected to incur a measurable cost.

- 10.9 The total annual cost to the industry (based on quantified **maximum** economic losses defined for bait diggers and merchants in paragraphs 10.2 and 10.3) is £88,128.

## 11 Costs to Southern IFCA

- 11.1 Southern IFCA is anticipating that additional costs for compliance and enforcement as a result of the Byelaw, over and above those already directed towards compliance and enforcement for shore gathering activity as part of business as usual, will be minimal due to the low risk posed by this activity and current low levels of effort across all relevant activities. There is therefore no monetary amount attributed to additional patrol work. Costs will be related to the development of new information resources and updates to current information boards at key areas across the District to support participants in compliance. The costs of which are to be £1,950.
- 11.2 Under section 153 of the MaCAA, Southern IFCA has the lead responsibility of enforcing an IFCA byelaw. The Authority's existing compliance and enforcement strategy would be the most likely and effective method of enforcing the recommended byelaw.
- 11.3 The best form of engagement will be with stakeholders whilst they are participating in shore gathering activities therefore can be incorporated into the above-mentioned business as usual patrols related to shore gathering activities.

## 12 Total monetised costs

- 12.1 The Equivalent Annual Net Direct Costs to Business (EANDCB) as a result of the proposed measures are estimated to be a **maximum of £98,965**.

## 13 Non-monetised costs

- 13.1 There is expected to be displacement of approximately:
- Six bait diggers from the previously mentioned areas of Poole Harbour and the River Medina on the Isle of Wight.
  - Six bait collectors and shrimp push netters from The Fleet.

Relative to the scale of the shore gathering fishery, this number of participants is not significant.

## 14 Non-monetised Benefits

- 14.1 The creation of the Shore Gathering Byelaw 2024 may result in the following benefits:
- Improved sustainability of the marine environment through the protection of sensitive designated features within MCZs and within or adjacent to SACs and SPAs that would otherwise be vulnerable to potentially damaging fishing techniques.
  - A potential increase in the delivery of ecosystem services.

- A potential increase in the sustainability of the fisheries, leading to a socio-economic benefit for fishermen and associated businesses.
- Potential reputational benefits to shore gathering participants and the fishing industry.

14.2 These benefits are difficult to value and therefore described as non-monetised.

14.3 The MCZ and HRA assessments carried out to inform the review of shore gathering activity demonstrate that methods of shore gathering are likely to have a significant effect on certain sensitive features/supporting-habitats for which sites in the District are designated and therefore prevent the furthering of Conservation Objectives for MCZs and lead to an adverse effect on features within or adjacent to SACs and SPAs, in all cases affecting overall site integrity. The creation of prohibited and seasonal management areas under the Byelaw provides a benefit to these MPAs through protection of these sensitive features/supporting-habitats contributing to the achievement of overall site integrity.

14.4 The sensitive habitats and species designated for the National Site Network sites in the Southern IFC District which relate to the assessments for shore gathering activity include: seagrass, reef features, estuarine habitats (i.e. saltmarsh, intertidal sediments), sea-pens and burrowing megafauna, subtidal sediment habitats, native oyster, pink sea fans, peacock's tail, stalked jellyfish spp., seahorse species and bird species with associated supporting habitats. The outputs from the assessments indicate that abrasion, penetration or disturbance of the seabed, removal of non-target and target species, and disturbance of bird species were main pressures which required management consideration.

14.5 The sensitive habitats and species listed above contribute to the biodiversity of the marine environment and provide a variety of roles in supporting food webs, providing areas for feeding, breeding, roosting and protection for species and supporting the development of species communities and characteristic biotopes. These services would be maintained and potentially enhanced by the Byelaw.

14.6 Protection of these features/supporting habitats is also anticipated to deliver additional ecosystem services. The seagrass habitats offer important areas for nutrient cycling, carbon and nitrogen fixing and by protecting areas of sensitive habitat, a natural refuge is created for populations of exploited and bycatch species.

14.7 It is anticipated that the Byelaw will manage the fishery-ecosystem interaction, supporting biodiversity within the prohibited areas. The effective management of shore gathering activity in MPAs demonstrates that these fisheries can be managed in an appropriate way in designated sites. The Byelaw therefore provides these fisheries with the opportunity to demonstrate their environmental credentials. In an ever-more environmentally aware society, this information may increase consumer confidence in these fisheries which may in turn have associated social and economic benefits.

## 15 Risks and Assumptions

15.1 Cost estimates are based on conversations with fishery participants during a targeted engagement exercise during the byelaw development stages and conversations post formal consultation. The values are the maximum estimates based on the figure providers by stakeholders. There is no MMO landings data available for shore gathering activities, therefore there is no way to corroborate the potential financial impact on industry or to provide a value supported by regional/national data collection.

15.2 Estimated costs to the fishing industry are likely to be an overestimate, as participants are likely to offset some of the lost revenue by fishing in other areas and current costs are based on daily occurrence of activity at maximum harvest levels which is known not to occur from Southern IFCA data and observation. It is also possible that the increased environmental status within the prohibited

areas could coincide with relatively more abundant fishing grounds, and therefore the analysis may have underestimated the value of reduced fishing ground.

- 15.3 The number of participants to be displaced has been obtained through the targeted engagement exercise. There is possibility this number does not reflect the full displacement.
- 15.4 Displacement of fishing effort is difficult to quantify and impossible to predict where activities will be displaced to.

## 16 Impact on small and micro businesses

- 16.1 The Byelaw will impact on small (<50 employees) and micro (<10 employees) businesses including individual fishery participants and a small but unknown number of bait and tackle shops, through targeted engagement with fishery participants, it is thought that bait harvested supplies up to 10 bait and tackle shops across the District.
- 16.2 Using information provided by commercial bait diggers, the financial cost to all bait shops is estimated to be a maximum of £51,408 per year due to spatial management. This cost however is based on the utilisation of management areas, currently accessible, every day for a defined time period (see section 10.3 and 10.4) which, based on sightings/inspection data and Officer knowledge is unlikely to be the case and in addition does not take into account the ability of participants to relocate to locally available areas not subject to restrictions to undertake activities.
- 16.3 It would not be possible to exempt small and micro businesses from the Byelaw. The approach taken under the Shore Gathering Byelaw is to manage activity by aligning the prohibited areas with the Management Principles developed by the Authority to ensure consistency in approach across the District and ensure that closures are developed for feature-based management within MCZs and within or adjacent to SACs in line with the Southern IFCA duties. This has resulted in some new prohibited areas and extensions to some existing prohibited areas. The spatial footprint of the Byelaw is as follows:
- Prohibited Areas - Year-round closures: 20.28 km<sup>2</sup>
  - Winter Closure Areas - 1<sup>st</sup> November to 31<sup>st</sup> March: 5.27 km<sup>2</sup>
  - Summer Closure Areas - 1<sup>st</sup> March to 31<sup>st</sup> August: 17.26 km<sup>2</sup>

Through targeted engagement with fishery participants, it is understood that due to current levels of activity and preferred locations, there is minimal overlap between prohibited and seasonal areas and activities therefore the impact of the proposed measures is low.

## 17 Wider impacts (consider the impacts of your proposals)

- 17.1 There is the potential for businesses directly related to fishing to be affected as a result of the proposed measures. This is aimed to be abated through the mitigation to the fishing industry by the relatively small overlap between shore gathering activities and proposed prohibited areas a small increase in size of spatial management compared to existing regulations (3.79km<sup>2</sup> for year-round prohibited areas).
- 17.2 There are potential social implications associated with the proposed byelaw, these have the potential to include the suppliers, fuel costs and time costs associated with sourcing new suppliers, travelling to and utilising alternative fishing grounds.

- 17.3 It is anticipated that the introduction of the proposed measures will achieve the conservation objectives of the MPAs within the District in the National Site Network (SACs, SPAs, MCZs) thus maintaining the overall integrity of these sites.
- 17.4 Decreased disturbance to birds in prohibited areas and nature reserves has the potential to increase site utilization by migratory and nesting birds and increase the related eco-tourism.
- 17.5 Potential increases in the density and biodiversity of species in the prohibited areas could positively contribute towards the health of the marine environment. Additionally, protection of habitats defined as 'blue carbon habitats' could contribute to offsetting climate change.

## 18 South Marine Plan

- 18.1 As per paragraph 58(3) of the MaCAA, Southern IFCA must have regard to the South Marine Plan<sup>8</sup> when undertaking any decision which is not an authorisation or enforcement decision. As per paragraph 58(4), a byelaw would fall under the definition of 'authorisation or enforcement decision'.
- 18.2 That said, the proposed measures ensure compatibility with the following objectives and policies of the South Marine Plan:
- **Objective 3:** To support the diversification of a sustainable fishing industry **S-FISH-1**
  - **Objective 10:** To support marine protected area objectives and a well-managed ecologically coherent network with enhanced resilience and capability to adapt to change **S-MPA-1, S-MPA-4**
  - **Objective 12:** To safeguard space for, and improve the quality of, the natural marine environment, including to enable continued provision of ecosystem goods and services, particularly in relation to coastal and seabed habitats, fisheries and cumulative impacts on highly mobile species **S-BIO-3, S-BIO-4, S-DIST-1, S-FISH-4,**

## 19 Monitoring and Evaluation

- 19.1 The Authority is able to review the suitability of the Byelaw in accordance with any changes in evidence, to include any statutory evidence provided by Natural England or other such bodies, organisations or persons as the Authority deems fit. At the time that any such evidence is available, prior to any review taking place, consideration will be given to the evidence provided in conjunction with the IFCA's priority workstreams, balancing any identified need for a review with resource capacity.
- 19.2 Monitoring of compliance with the Byelaw will be carried out through the Authority's compliance and enforcement framework<sup>9</sup>.

<sup>8</sup> <https://www.gov.uk/government/collections/south-marine-plans>

<sup>9</sup> [Compliance-and-Enforcement-Framework-2023.pdf \(toolkitfiles.co.uk\)](#)

## Annex 1: Byelaw Adverts

Notice published in the Fishing News

### MARINE AND COASTAL ACCESS ACT 2009 SECTION 155

Notice is hereby given that pursuant to the above Regulation, Southern Inshore Fisheries and Conservation Authority intends to apply to the Minister for the Department for Environment, Food and Rural Affairs for the confirmation of the following byelaws:

#### Shore Gathering Byelaw

The proposed Byelaw introduces feature-based spatial management for shore gathering activities in National Site Network Sites to ensure protection of designated features & supporting habitats. Key provisions are the creation of defined prohibited areas, summer closure areas and winter closure areas, within which shore gathering activities, persons having hand operated equipment connected to shore gathering activities and the deployment of habitat to aid crab collection will be prohibited. There are exceptions to the prohibitions which include the use of a vessel provided no part of the vessel's hull is in contact with the seabed and specified hand operated equipment.

#### Fishing for Cockles (Amendment) Byelaw

The proposed Byelaw amends the Southern IFCA Fishing for Cockles Byelaw to remove provisions relating to prescribed methods of harvesting, equipment specifications for hand picking of cockles and construction/operation of a dredge in relation to fishing for cockles. The Amendment is required due to provisions contained in the proposed Shore Gathering Byelaw and existing dredging provisions contained in Southern IFCA permit byelaws. The Byelaw maintains existing provisions relating to Minimum Conservation Reference Size for cockles and a closed season, applicable to all harvesting methods except use of a dredge in Poole Harbour.

A full text of the above byelaws, the associated Impact Assessment and supporting documents can be viewed on the Authority's website at [www.southern-ifca.gov.uk](http://www.southern-ifca.gov.uk). Alternatively inspected at, or obtained from Southern IFCA, Unit 3, Holes Bay Park, Sterte Avenue West, Poole, Dorset BH15 2AA.

Any person wishing to object to the confirmation of the above byelaws must send a statement of objection in writing to:

Marine Conservation and Enforcement Team, Marine Management Organisation, Lancaster House, Hampshire Court, Newcastle Upon Tyne NE4 7YH (or [IFCAByelaws@marinemanagement.org.uk](mailto:IFCAByelaws@marinemanagement.org.uk)) within 28 days of the publication of this notice and must send a copy of this statement to the CEO at Southern IFCA, Unit 3, Holes Bay Park, Sterte Avenue West, Poole, Dorset BH15 2AA (or [enquiries@southern-ifca.gov.uk](mailto:enquiries@southern-ifca.gov.uk)).



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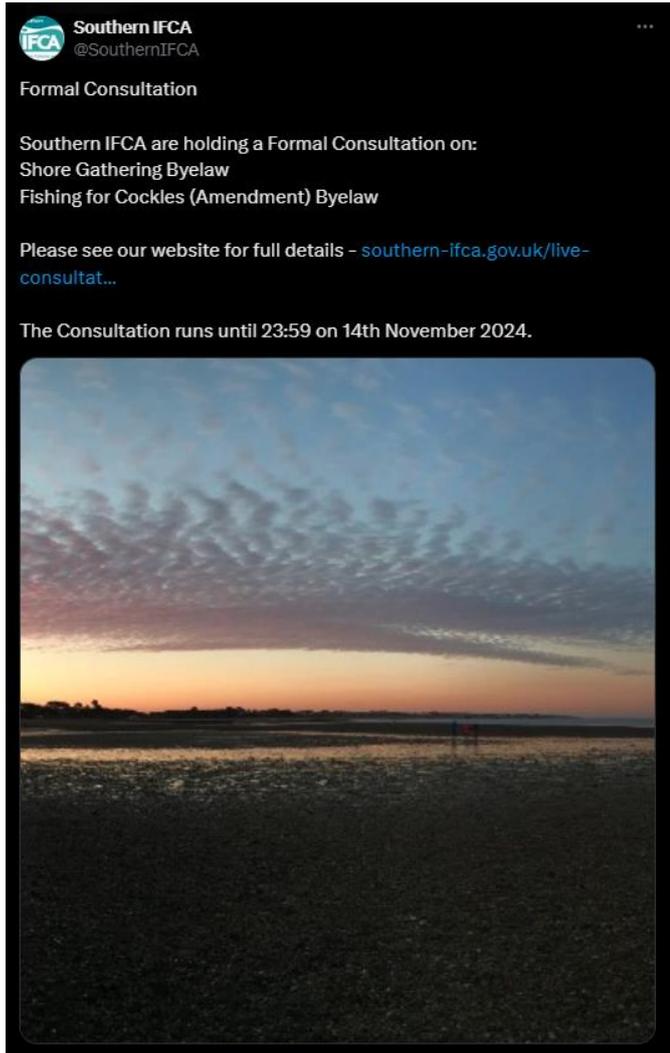
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Southern IFCA Social Media Posts

X (Twitter)



### Facebook

 **Southern IFCA**  
3 October · 🌐

Formal Consultation

Southern IFCA are holding a Formal Consultation on:  
Shore Gathering Byelaw  
Fishing for Cockles (Amendment) Byelaw

Please visit our website for more information: <https://www.southern-ifca.gov.uk/live-consultations>

The consultation is open until 23:59 on 14th November 2024.



### Instagram



 southernifca

 southernifca Formal Consultation

Southern IFCA are holding a Formal Consultation on:  
Shore Gathering Byelaw  
Fishing for Cockles (Amendment) Byelaw

Please visit our website for more information:  
<https://southern-ifca.gov.uk/live-consultations>

The consultation is open until 23:59 on 14th November 2024.  
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**Summary of additional responses received through the Formal Consultation**

No.	Sector	Nature of Response
5	Statutory Authority	Support but seeking additional intervention
	<b>Summary of Response</b>	
	<ul style="list-style-type: none"> <li>• Supports SIFCAs commitment to review of Shore Gathering in MPAs in the district.</li> <li>• Seagrass data for Chichester Harbour is likely out of date and does not incorporate 2024 re-survey of seagrass beds.</li> <li>• Concerns the impacts of shore gathering on wintering bird features have not been adequately assessed.</li> </ul>	
	<b>Details of additional liaison</b>	
	<ul style="list-style-type: none"> <li>• Determined that 2024 re-survey data will not be finalized and quality assured until 2025.</li> </ul>	
<b>Summary of Southern IFCA Response</b>		
<ul style="list-style-type: none"> <li>• Outline evidence sources used to inform location and extent of designated features.</li> <li>• Development of Management Principles to ensure management met Southern IFCA legal duties whilst being proportionate to the spatial footprint and level of impact caused by the activities under review.</li> <li>• Application of Management Principles to define management areas for bird features in the Chichester and Langstone Harbour SPA.</li> </ul>		
No	Sector	Nature of Response
6	Conservation	Support but seeking additional intervention
	<b>Summary of Response</b>	
	<ul style="list-style-type: none"> <li>• Generally supportive of the proposals.</li> <li>• Concerns are raised over the lack of year-round closures in the Solent and Southampton water and the impact this could have on overwintering birds.</li> <li>• Supports comments 5.3 to 5.7 of NEs Formal Advice provided to SIFCA on the 26<sup>th</sup> July 2024. These points relate to <ul style="list-style-type: none"> <li>○ The year-round closures in Langstone Harbour for nesting birds.</li> <li>○ The need to monitor activity and its impacts on the condition of the Chichester and Langstone Harbour SPA and Portsmouth Harbour SPA.</li> <li>○ The use of Summer closures to bird sensitive areas only in Southampton Water</li> <li>○ Lack of closure to the mouth of the Beaulieu River</li> <li>○ Previous exercise carried out by NE in defining bird sensitive areas in the Solent.</li> </ul> </li> <li>• Respondent included information on the levels of bait digging activity and its levels of disturbance in the Solent.</li> </ul>	
	<b>Summary of Southern IFCA Response</b>	
	<ul style="list-style-type: none"> <li>• Information providing on monitoring of fishing activity by Southern IFCA.</li> <li>• Development of Management Principles to ensure management met Southern IFCA legal duties whilst being proportionate to the spatial footprint and level of impact caused by the activities under review.</li> <li>• Application of Management Principles to define management areas for bird features in the Solent and Southampton Water SPA and outcomes of Conservation Assessments.</li> <li>• Points provided in Southern IFCA's response table to NE Formal Advice (<i>provided to the TAC at August meeting</i>).</li> <li>• BSA exercise for the Solent does not represent best available evidence on bird feature location and condition due to extended period since work undertaken.</li> </ul>	
No.	Sector	Nature of Response
7	Statutory Authority	Support but seeking additional intervention
	<b>Summary of Response</b>	
	<ul style="list-style-type: none"> <li>• Supportive of the principle of the Shore Gathering Byelaw.</li> <li>• Concerns relate to: <ul style="list-style-type: none"> <li>○ Consequences of potential displacement</li> <li>○ The lack of winter closures in areas known to support overwintering birds</li> <li>○ Methods of reporting shore gathering activity</li> <li>○ The position of a boundary to the seasonal prohibition area in the River Hamble</li> <li>○ Involvement in future reviews of the Shore Gathering Byelaw</li> </ul> </li> </ul>	
	<b>Summary of Southern IFCA Response</b>	
<ul style="list-style-type: none"> <li>• Impact Assessment indicates displacement will be minimal.</li> <li>• Methods of reporting information to Southern IFCA.</li> <li>• Development of Management Principles to ensure management met Southern IFCA legal duties whilst being proportionate to the spatial footprint and level of impact caused by the activities under review.</li> <li>• Application of Management Principles to define management areas for bird features in the Solent and Southampton Water SPA and outcomes of Conservation Assessments.</li> <li>• Detail of review procedure included in Shore Gathering Byelaw.</li> </ul>		

No.	Sector	Nature of Response
8	Statutory Authority	Support but seeking additional intervention
	<b>Summary of Response</b>	
	<ul style="list-style-type: none"> <li>• Acknowledges the importance of protecting marine ecosystems and supports measures that contribute to the sustainability of marine resources.</li> <li>• Concerns relate to: <ul style="list-style-type: none"> <li>○ Differences in seagrass layers from the Bottom Towed Fishing Gear Byelaw 2023</li> <li>○ Considerations to overwintering birds in the Chichester and Langstone Harbour SPA</li> <li>○ Lack of restrictions on quantities of target species and reference to classification of species in Langstone Harbour</li> </ul> </li> </ul>	
	<b>Summary of Southern IFCA Response</b>	
9	Independent	Enquiry
	<b>Summary of Response</b>	
	<ul style="list-style-type: none"> <li>• Query on ease of reporting activity to ensure full picture of activity</li> <li>• Query over the lack of protection for over wintering birds in the Solent</li> <li>• Query on the determination of areas to be closed in east and west Solent</li> <li>• Query over displacement of activity.</li> </ul>	
	<b>Summary of Southern IFCA Response</b>	
10	Statutory Advisor	Supplementary information
	<b>Summary of Response</b>	
	<ul style="list-style-type: none"> <li>• Draws attention to exercise defining key areas for overwintering birds in the Solent.</li> <li>• Notes that the exercise was from 2015 but could be updated quickly if necessary.</li> </ul>	
	<b>Summary of Southern IFCA Response</b>	
11	Not for Profit Organisation	Support
	<b>Summary of Response</b>	
	<ul style="list-style-type: none"> <li>• Organisation has called for comments from members with no specific objections.</li> <li>• Support for option 1 <i>“Create a new Southern IFCA Shore Gathering Byelaw in order to introduce relevant, consistent and feature-based management for shore gathering activities in line with Southern IFCA’s legal duties for sites under the National Site Network (SACs, SPAs and MCZs).”</i></li> </ul>	
	<b>Summary of Southern IFCA Response</b>	
<ul style="list-style-type: none"> <li>• Appreciate an offer to share future outputs from work on codes of conduct for recreational bait collection and to include reference to relevant regulations in this work.</li> </ul>		

## COMPLIANCE AND ENFORCEMENT QUARTERLY REPORT Paper For Information

*Report by PDCO Sam Dell.*

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### A. Purpose

To report to Members on the compliance and enforcement activities for the quarter August to October 2024.

### B. Annex

- I. Compliance and Enforcement Quarterly Report
- 

## 1.0 Introduction

- This report contains an executive summary relating to our enforcement activity for this reporting period in statistical format for inspections, patrols and offences detected.

## 2.0 Summary of Key Points

- **Background**
  - 2.1 Risk Based Enforcement
  - 2.2 Intelligence Led Approach
  - 2.3 Tactical Coordination Group
  - 2.4 Fisheries Patrol
- **Enforcement Activity**
  - 3.1 Intelligence reports
  - 3.2 Enforcement Activity Table
  - 3.3 Offence reports
  - 3.4 Offence Outcomes



# Compliance & Enforcement Quarterly Report

August – October 2024

## Contents

- 1. Purpose**
- 2. Background**
  - 2.1 Risk Based Enforcement
  - 2.2 Intelligence Led Approach
  - 2.3 Tactical Coordination Group
  - 2.4 Fisheries Patrol
- 3. Enforcement Activity**
  - 3.1 Intelligence reports
  - 3.2 Enforcement Activity Table
  - 3.3 Offence reports
  - 3.4 Offence Outcomes

## **1. Purpose**

The purpose of this report is to provide the Authority with an overview of the Southern IFCA risk-based approach to compliance and enforcement for the previous quarter August to October 2024.

The statistical data included in this report is aligned to national IFCA metrics that are reported to Association IFCAs (AIFCA) and Department for Food, Environment and Rural Affairs (Defra) on an annual basis.

## **2. Background**

### **2.1 Risk Based Enforcement**

Southern IFCA is committed to achieving fair, effective and proportionate enforcement. The Compliance and Enforcement Framework sets out the Authority's approach and details the general principles the Authority will follow and the enforcement actions available. The Risk Register forms part of that Framework, providing focus and priorities for Southern IFCA's compliance and enforcement activities. The Risk Register identifies priorities in specific areas at different times of the year.

### **2.2 Intelligence Led Approach**

Intelligence Reports (IRs) are the Authority's method of recording, storing, collating and the dissemination of intelligence that complement our risk-based approach. Additional intelligence together with access to the UK Fisheries Monitoring, Control and Surveillance System<sup>1</sup> (MCSS) and Vessel Monitoring System (VMS) maximizes the efficient use and deployment of resources on the ground. Southern IFCA uses the National Intelligence Model which incorporates a tasking and coordination process.

### **2.3 Tactical Coordination Group (TCG)**

The TCG meeting is chaired by the PDCO who makes decisions in relation to resourcing and enforcement priorities for the upcoming period. The aim of this meeting is to make decisions around resource allocation in order to make best use of resources and provide the best possible protection for fisheries and the marine environment within the Southern IFCA District, the TCG also decides what operational tactics will be deployed.

### **2.4 Fisheries Patrols**

Southern IFCA officers conduct both land and sea-based patrols across the district. Southern IFCA operates three patrol vessels, patrols on board these vessels may take place at any time of day or night, and are used to observe fishing activity, engage with industry, carry out boarding inspections and to target reported illegal activity. On shore, Officers conduct land patrols to engage with industry, carry out inspections, observe activity at sea and in ports, visiting a number of locations across the district including commercial premises, recreational angling hotspots, piers, ports, beaches and quaysides. The Compliance and Enforcement Team also has a drone capability and has two drones to support operational activity. This has enhanced our operational delivery and is used to record evidence of possible offences using the onboard camera from perspectives not previously possible, it has improved the prevention (deterrent) and detection of offending.

[Compliance & Enforcement : Southern IFCA \(southern-ifca.gov.uk\)](https://southern-ifca.gov.uk)

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<sup>1</sup> The UK reporting database of sightings, boarding, positions of vessels, prosecutions and other actions against infringements of UK and EU Fisheries. This system is managed by CEFAS on behalf of the MMO. This also contains access to VMS data.

### 3. Enforcement Activity

#### 3.1 Intelligence Report

The following table demonstrates the intelligence reports submitted for this reporting quarter.

<b>Intelligence Reports</b>	<b>August</b>	<b>September</b>	<b>October</b>	<b>Total</b>
IFCOs	20	17	13	<b>50</b>

#### 3.2 Enforcement Activity Table

The following table demonstrates the enforcement activity and offences detected for this reporting quarter; these reporting metrics are aligned nationally to those requested by Defra. Fluctuations that occur in statistical figures can be as a result of a number contributing factors i.e. number of land based as opposed to sea-based patrols in any given month, staff resources, weather, other duties and the objectives of the patrols recognising the Authorities commitment to risk based intelligence led enforcement.

<b>Category</b>	<b>Metric</b>	<b>August</b>	<b>September</b>	<b>October</b>	<b>Total</b>
<b>Inspections at sea</b>	Vessel patrols	6	1	4	<b>11</b>
	Boardings/inspections	18	5	11	<b>34</b>
<b>Inspections ashore or in a port</b>	<b>Metric</b>	<b>August</b>	<b>September</b>	<b>October</b>	<b>Total</b>
	Shore patrols	10	7	11	<b>28</b>
	Port visits	11	14	15	<b>40</b>
	Premises inspections	2	1	3	<b>6</b>
	Landing inspections	9	8	5	<b>23</b>
	Vehicle inspections	2	5	0	<b>7</b>
	Gear Inspections	2	0	1	<b>3</b>
	Person Inspection	7	2	0	<b>9</b>
<b>Offences Detected</b>	<b>Per report</b>	<b>August</b>	<b>September</b>	<b>October</b>	<b>Total</b>
<b>Verbal warnings</b>		1	1	1	<b>3</b>
<b>Written warnings</b>		4	0	0	<b>4</b>
<b>Advisory letter</b>		0	0	0	<b>0</b>
<b>FAP</b>		0	0	0	<b>0</b>
<b>Offence Reports</b>		1	0	3	<b>4</b>

#### 3.3 Offence reports

The following table demonstrates the offence reports & actions submitted by officers for this reporting quarter.

<b>Date of Offence</b>	<b>Offence</b>	<b>Action</b>
07/08/2024	BNA, Rec Bass limit & undersized Bass	OWL dated 13/08/2024 issued. Case closed.
10/08/2024	BNA, Rec Bass limit & undersized Bass	OWL dated 13/08/2024 issued. Case closed.
23/08/2024	Failure to comply	Investigations ongoing
30/08/2024	Breach of SIFCA Net Fishing Byelaw	OWL dated 16/09/2024 issued. Case closed.
04/10/2024	Storing of Manila clams below MCRS contrary to MCRS Byelaw	Investigations ongoing

09/10/2024	Breach of SIFCA Net Fishing Byelaw	Case Against Dropped
31/10/2024	Breach of Green Island Closed Area	Investigations ongoing

### 3.4 Offence Outcomes

<b>Date of offence</b>	<b>Offence</b>	<b>Action taken and date</b>
07/08/2024	BNA, Rec Bass limit & undersized Bass	OWL dated 13/08/2024 issued. Case closed.
10/08/2024	BNA, Rec Bass limit & undersized Bass	OWL dated 13/08/2024 issued. Case closed.
30/08/2024	Breach of SIFCA Net Fishing Byelaw	OWL dated 16/09/2024 issued. Case closed.
21/10/2023	Retention on board of Manila clams below MCRS contrary to Tech Con 2019/1241 and Failure to submit catch returns for Aug, Sept, Oct & Nov 23 within timescales	04/09/2024 – Case heard, guilty plea to both charges. Ordered to pay £9,093.10. Case closed.
09/10/2024	Breach of SIFCA Net Fishing Byelaw	Case Against Dropped
26/10/2024	Breach of Green Island Closed Area	Investigations ongoing

## Behind the Scenes Paper For Information

*Report by the RPT, CET and BST*

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### **A. Purpose**

To provide Members with an update on aspects of work that the Research and Policy Team (RPT), Compliance and Enforcement Team (CET) and Business Services Team (BST) is delivering behind the scenes.

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### **1.0 Introduction**

- This report from the staff across the three teams in the IFCA, RPT, CET and BST captures aspects of work being delivered behind the scenes. This may include standalone projects or supplementary work which complements and supports the Annual Plan and RPT & CET plans.

### **2.0 Summary of Key Points**

- Reports from the RPT:
  - This quarter, Officers in the RPT have been working on the annual audit for the MSC Certification of the Poole Harbour Clam & Cockle Fishery and the progression of the development of management for black seabream in Dorset MCZs through engagement with commercial, charter and recreational sectors. Surveys have been completed in the Solent with results communicated with the fishing industry through pre-season meetings and across the District for Juvenile Fish Surveys. The Project Officers have also been working hard, developing tools for use across the team in fish identification, representing Southern IFCA at regional workshops and participating in the annual biosecurity inspection for The Poole Fishery Order 2015. Further work has been undertaken to develop a pilot project with whelk fishers across the District looking at CPUE data and to provide guidance materials for aquaculture operators providing shellfish movement data.
- Reports from the CET:
  - The CET have attended a national workshop on securing small-scale fisheries in the UK discussing possible industry led solutions and have been working on the implementation of the new intelligence system, CLUE, communicating with other IFCAs and the MMO to discuss how the system can be best used. Drone operations have been conducted to monitor compliance with closed areas focusing on Poole and Solent permit fisheries and the new Fisheries Patrol Vessel Vigilant has come into service following the successful completion of sea trials. Two new IFCOs in the CET have gotten stuck into work at the IFCA undertaking STCW training courses, building knowledge of the District's fisheries and policy and undertaking their first patrols.
- Reports from the BST:
  - The BST have been working on the development of the online permitting system with the Poole Harbour Dredge Permit the next to be added. Initial testing of the PHDP permit application process has taken place and ongoing development continues. Guidance documents have been drafted for the online permitting system for use in training existing and future members of staff. In addition, the BST have facilitated the September Authority meeting on the Isle of Wight and have been working on Phase 3 of the refurbishment of the office, due to commence in January 2025.

### **3.0 Next Steps**

- That Members receive the report.

## Behind the Scenes with the RPT



with Senior Policy Specialist Condie

You may remember a couple of weeks in October were very, very wet.... These obviously coincided nicely with our small fish surveys. However, officers persevered and completed the autumn small fish survey program, adapting to weather conditions and re-booking surveys as appropriate to ensure that the conditions were suitable for gathering the required data.

The team sampled all six of the survey sites across Dorset, Hampshire and the Isle of Wight to complete the autumn round of surveys.

The survey involves deploying a 43m seine net (kindly loaned to us by the Environment Agency) in a semi-circular pattern, either on foot from the shore or by boat. The net is then hauled to shore where fish are measured, counted and identified before being returned quickly to the sea. Two nets are hauled at each site and the data added to a data set spanning nearly 10 years.



*A pipefish caught in The Fleet Lagoon.*



*Officers deploying the 43m seine net from the shore on one of the much, much nicer days of October*

We were joined at various sites by representatives from The Fleet Reserve, Isle of Wight Rivers and Estuaries Project and the University of Portsmouth. Extra hands definitely make light work when it comes to these surveys, and officers are always grateful for the knowledge and experience that is so readily shared by partners.

These surveys play an important role in understanding the use of these essential fish habitats by commercial and recreational fish species. As more data is collected, it will be key to understanding changes in fish communities, ecosystem health and essential fish habitat within the district. A full report on the outcomes of this survey is planned for the February TAC.



**BEHIND  
THE SCENES**

In September, the Marine Stewardship Council (MSC) conducted its annual audit of the Poole Harbour Dredge Permit Fishery. This audit involved a comprehensive analysis of data related to Manila clam (*Ruditapes philippinarum*) and common cockle (*Cerastoderma edule*) species collected within the fishery, to produce the “Year 1 Surveillance Report” following the fishery’s recertification in 2023.

The audit was carried out by Control Union Ltd, the Conformity Assessment Body. I, along with DCO Birchenough and Tommy Russel, representing the Poole and District Fishermen’s Association, were in attendance for the assessment meeting held at the Southern IFCA office.

Participating in the MSC audit provided an excellent opportunity to familiarize myself with the latest data and statistics on compliance, enforcement, fisheries catch data, and management. It also allowed for valuable engagement with fisher representatives regarding the Poole Harbour fishery. The MSC audit report of the Poole Harbour Clam & Cockle fishery is scheduled to be published on the MSC website in due course.



*Left: The Marine Stewardship Council Certification blue tick, which was first awarded to the Poole Harbour clam and cockle fishery in 2018.*

On Halloween, PDCO Dell, DCO Birchenough, Senior Policy Specialist Condie, and I had the opportunity to engage with fishers regarding management of black seabream within the District’s Marine Conservation Zones (MCZs), specifically at Poole Rocks, Southbourne Rough, and Purbeck Coast, where black seabream is a designated feature.

The co-management workshop facilitated discussions on potential management strategies with representatives from the charter, recreational angling, and commercial sectors, all of whom regularly fish in these areas. The progression of the black seabream workstream will consider the collective measures but forward by the stakeholders at this interactive workshop.



Much of my work this autumn has been in preparation for the opening of the Solent Dredge Fishery, from undertaking both pre-season surveys to attending the Solent Community Forum Pre-season meetings.



Figure 1: Scallops sampled during the Autumn 2024 survey displaying distinct growth bands.

The Solent Scallop and Bivalve surveys were run in September and October respectively, intended to capture the state of these fisheries before they opened in November. The data collected allows the Team to gain an idea of how the population has changed during the fisheries' closed season and determine whether any management input is required.

A preliminary analysis was run on the data from both surveys so that the results could be presented to stakeholders at the Solent Community Forum Pre-season meetings, held in October. In addition to presenting this data, these meetings allowed Officers to answer questions from Stakeholders ahead of the 24/25 Solent Dredge Fishery Season. The formal reporting for the Scallop surveys for 2024 is completed and for the Bivalve 2024 surveys is currently in progress, which will give a review of the population trends seen for Manila clam, and Common cockle within the Solent to date.

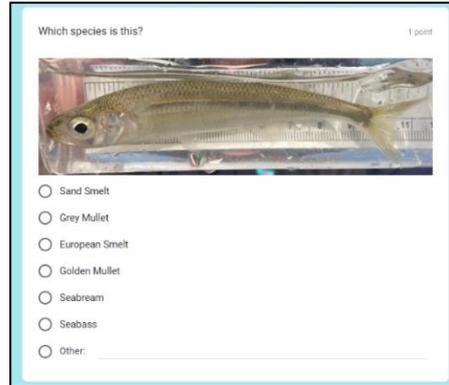


Figure 2: The contents of a Solent Bivalve Survey tow before being sorted and measured.

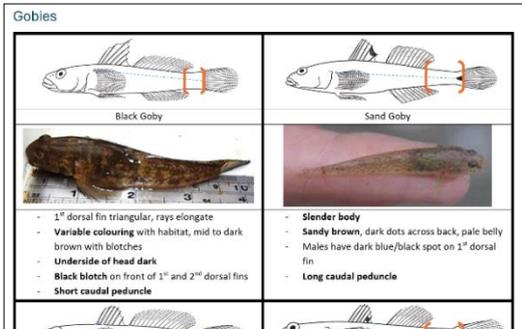


As a part of my role at SIFCA, I get to assist with surveys and attend engagement meetings.

To improve my skills and help the team during our small fish surveys, I have created a Small Fish ID guide to improve identification in the field. Working with colleagues, I collected photographs of different species taken during the surveys and used these in the guide. The guide (image below) is easy to navigate with helpful identification notes and a combination of fish diagrams and photographs for swift identification of species. The fish photographs were also used to create a quiz on google forms for fish ID practice (image right) outside of survey season.



Screenshot of a question in the small fish identification quiz.



Screenshot of a species page (Gobies) from the Small Fish ID guide.

One of the engagement groups that I have attended meetings for, along with colleagues, is the Solent Seascapes Project. This group is currently working to create an online portal where they can collate data from various groups in the Solent (e.g. local universities, RSPB, habitat conservation groups etc.), as well as making a Solent State of Nature report to improve communication and to provide a bigger picture. A draft of the report was reviewed by the group with plans to publish reports every 5 years. There was a brief review of the online data viewer (ArcGIS data explorer), although still in the draft phase this Solent Data Portal has potential use for SIFCA and other groups in the future.



This September, Southern IFCA underwent its 2024 Cefas Fish Health Inspectorate (FHI) inspection for the Authorisation, Compliance and Disease Surveillance Programme. This inspection aimed to ensure that SIFCA maintains and is compliant with contemporary biosecurity protocols and involved a review of SIFCA’s Biosecurity and Management Plans, and a lease bed visit by an FHI inspector. This quarter, I updated SIFCA’s biosecurity and management plans by ensuring that leaseholder shellfish movement data and relevant deputation facilities were updated, in addition to updating our points of contact and making sections of the document more transparent.

As part of the inspection, we took the inspector to various lease beds and inspected catches for any sign of disease. In addition to the opportunity to engage with leaseholders and the FHI directly about biosecurity going forward, this visit provided leaseholders the opportunity to directly engage with the FHI who highlighted that the FHI can offer advice and perform free disease investigations for leaseholders if requested.



A flow chart is included in the Guidance Document to aid leaseholders in understanding the data required

SIFCA was found to be compliant with biosecurity and passed the inspection. Additionally, the inspector found no evidence of disease in the observed stock.

During this process, I met with members of Cefas to discuss the responsibilities of IFCA's as the authority for The Poole Order Aquaculture Production Business (APB). This resulted in updates to data collection, how shellfish movements are submitted, and the integration of the FHI online system to track shellfish movement chains.

Following this meeting, I created a Shellfish Movement Guidance Document for leaseholder use. The document highlights how to submit shellfish movement data and emphasizes the additional steps required for registering on-site movements. Additionally, I have registered earlier shellfish movements onto FHI online. This involved contacting leaseholders regarding deputation facilities used during previous shellfish movements.



This year at Southern IFCA we are starting a Whelk CPUE Pilot Project run by myself and IFCO Mullen. This has been one of my work priorities over the last couple of months. This project will be starting this December running till December of 2025

The idea behind this project is to increase our understanding of the whelk fishery within our district. We're running this project in collaboration with the fishing industry as a volunteer program.

As a result, I have spent a large portion of the last month engaging with pot fishers in the District, providing information on the project through email and phone calls to understand interest from fishers and answer any questions. Engaging with the fishers proved helpful in understanding how many undertake whelk fishing and increased the level of participation in the project.



As a result, we currently have 13 fishers who have said they would volunteer to be part of this pilot project. They are from across the whole district, which should allow this project to give us clearer picture of whelk fishing practice across all the key areas targeted for this species.

Fishers will be asked to fill out a monthly catch return providing information to help understand how catches may differ across the District and at different times of year.

Since this is a fishery that some people participate in all year while others only participate in between other fisheries in the district, there remains additional interest from fishers who I will get back in touch with when they commence whelk fishing.

The project will contribute to an evidence base which can be used to help understand the effectiveness of management and ensure that reviews of management continue to be based on best available evidence. The data could also contribute to identified objectives under the Whelk FMP.

I look forward to seeing how this project progresses over the next year.

## Behind the Scenes with the CET



with Senior IFCO Mayne

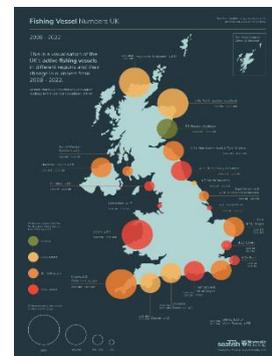
### Securing small-scale fisheries in the UK workshop

On Monday 23<sup>rd</sup> and Tuesday 24<sup>th</sup> September 2024 I was pleased to attend a fisheries workshop that ran for 3 days at the RNL College in Poole. It was organised by Dr. Sarah Coulthard, a social scientist from Newcastle University, along with partners including the Association of Inshore Fisheries & Conservation Authorities, the Blue Marine Foundation, Jerry Percy (formerly the Director of the New Under Ten Fisherman's Association), the Whitby Lobster Hatchery, the Plymouth Fishing & Seafood Association, the Scottish Creel Fisherman's Federation and the Marine Biological Association. The workshop was funded by the Esmee Fairbairn Foundation and Newcastle University and was attended by approximately 60 people. The attendees comprised of many inshore commercial fishers from the south coast, academics, representatives of various fisher associations, staff and members of various IFCAs, representatives from the Marine Management Organisation and DEFRA.

On day 1 we were presented with factual data showing the indisputable decline of the United Kingdom's inshore fishing fleet within recent years. Below is a slide from the presentation which shows the decline of the UK's active fishing fleet between 2008 & 2022. Decline is most acute within the under 10 metre vessel fleet, who face challenges that are poorly understood.

The challenge for the workshop and attendees was to collectively brainstorm and identify not only the causes of the decline, but also to discuss and identify possible industry led solutions. As participants we were asked questions like, "Why are we losing so many boats? How are the under 10 metre boats being affected? What can be done? What needs to change and in what order of priority? How can we best support the under 10 metre fishing fleet?"

This exploratory work was carried out mainly in small break-out groups, with the findings discussed by the larger group as a whole. Present throughout was a superb artist, who managed to capture many of the issues and ideas visually on a whiteboard. Towards the end of day 2 we were each asked to write on a card something that we thought would assist the plight of the under 10 metre fleet. These cards were then randomly passed around to other attendees for opinion. Opinion was graded 1 to 5; 5 being awarded for a very good suggestion and 1 for a poorer suggestion. The cards were circulated in this fashion amongst the group several times before the scores were added up. At this point, those in possession of the highest scoring cards were asked to read out the suggestion written on their card. These suggestions, along with all the other findings, information and suggestions arising from the 3 days were collated by the organisers of the workshop. Going forward it is hoped that this information and the information gleaned from a subsequent workshop in Whitby will inform a set of recommendations addressed to policy makers at the highest national level.





### **PV Vigilant “Sea Trials Into Service”**

On the 17th of September 2024 Fisheries Patrol Vessel VIGILANT was put into the water at Portland harbour to commence sea trials. This was an exciting time as this was a culmination of many hours of work over an eighteen-month period for both me, and PDCO Dell. The previous eighteen months were quite challenging due to the change in commercial vessel code along with staff changes at Ribcraft UK.

The sea trials were methodically planned to take place over two weeks so that the systems and operational capabilities could be tested rigorously in a real-world environment. The initial week focused on ensuring the boat operated as expected and in line with code. Some of these tests included vessel handling, equipment operation, speed and economy runs.



These tests were conducted to ensure that the build met the original tender specification, which had specific requirements which needed to be met. After the first week several snags were identified and recorded which allowed us to develop a plan with Ribcraft on how these would be addressed so that the acceptance document could be completed and ownership transferred.

The second week consisted of further tests which aligned with the operational needs of the vessel which included, electronic charts and radar systems, electronic steering system and accompanying joystick control.

The operational tests were completed with the results recorded on the acceptance document.

As a team we are extremely pleased with VIGILANT and its capabilities. It has given improved endurance both for the crew and the vessel. It can go further for longer periods due to the added protection and capability.





**BEHIND  
THE SCENES**

### CLUE Update from the Intelligence Lead

As the intel lead, my primary focus during this period has been to ensure a smooth transition to the new intelligence system, CLUE. When not on patrol, I attend weekly CLUE update meetings with PDCO Dell. These meetings are designed to address issues and explore better ways to utilize different aspects of the system. They also provide an opportunity to communicate with IFCA colleagues across the country and the MMO intelligence team to ensure the system is fit for purpose.

Some of the developments during this period include:

- **Dashboard improvements:** These enhancements allow us to view relevant intelligence for our region (IFCA & MMO) and neighbouring IFCAs, helping to direct our enforcement priorities.
- **Improving the outcomes register:** This allows other agencies to access more detailed information on our ongoing investigations and the sanctions provided, and vice versa.
- **Standardization improvements**

In recent weeks, I and IFCO Payton (intel officer) have been providing training and guidance to the new officers on how to search and create intel and incident records on CLUE.

# CLUE

As well as this the team have started to use CLUE out on patrol, the system allows any team member to access intel relevant to the area within a matter of minutes, Now that Vigilant is in use, we have the facilities to submit intel and incident reports whilst out on patrol, saving office time and allowing us to be out and about more.

Southern IFCA is already experiencing the benefits of the CLUE system. Officers can view intelligence as soon as it's entered, enabling efficient patrol planning for the week. This system also allows us to transition away from using other enforcement systems, such as MCSS. Additionally, CLUE's user-friendly interface makes it easy for all officers to navigate, even those who are not tech-savvy!!

The next stages of CLUE development and implementation is to look at how we can utilize the system to improve our TCG processes. To reduce preparation time and ensure that all the important information is covered.

**BEHIND  
THE SCENES**

**Drone Camera Operator**

With both the Poole Harbour Dredge and Solent Dredge fishery open there are multiple closed areas that need to be monitored. We use our DJI M300 drone as one way to do this as it allows us to cover a large area quickly.

The most impressive part of the drone is its camera which comes equipped with many features. Firstly, the camera has an incredible zoom which allows us to identify the PLN of vessels from a significant distance. The camera is also equipped with a laser range finder which means we can obtain a latitude and longitude of a vessel up to 1200m away. This is extremely useful as it means we can check if the vessel is in a closed area in real time, since unlike a vessel we do not have a plotter to show us where the closed area is exactly. Also, with the nights now drawing in fishing hours can be in low light conditions but thanks to the low light and infrared features on the camera we can still identify a vessel's locations.

When detecting an offence, it is important as the camera operator to capture clear evidence of the offence. By using the smart track function, the camera will automatically follow the centre of the vessel in question. This allows me as the camera operator to focus on giving commentary on the vessel of identifying features, benefitting the evidence obtained. Overall, the drone continues to be an invaluable tool in or compliance work.





**My first couple of weeks** at Southern IFCA were great! Having come from a Masters in Plymouth working with D&S IFCA, I had a broad understanding of what to expect of my new role, but my expectations have been surpassed. The first week was spent getting my head around the policies surrounding my role and was very literature heavy but being able to meet the team and get to know everyone was exciting. I also spent some time going through the SIFCA bylaws to build a strong foundation for when I got out on patrol.

In week two, I was in Hythe, Southampton, completing my STCW course. Having completed the sea survival before, this was not a new concept but a great refresher and further prepared me for the unlikely, but possible, events taken if I ever had to abandon ship. For me, the highlight of the sea survival training was the pool session. It was good seeing how life rafts are deployed and getting to practice getting into the rafts them from the water. Fire safety was the highlight of my week, entering containers in full breathing and hoses to tackle a simulated engine fire was daunting but exciting.

After finishing my STCW course, it was straight out on patrols. I got out on some drone patrols with IFCOs Parry and Payton, which were very interesting to experience.



The clarity of the camera and features such as the tracking really surprised me. I also spent some time on Vigilant and Endeavour getting used to how they operate and what is expected of me when onboard.



**My first few weeks** at Southern IFCA have been incredible and enjoyable. From the very first week, where I met the team and was introduced to the vessels I would be working on, to the week-long STCW course, where I learned essential skills in fire safety, first aid, and sea survival. One of the best parts of the course was the fire safety module. In class, we covered the theory behind which fire extinguisher to use for different types of fires, we then had the chance to practice using the extinguishers. It was good to finally get some hands-on experience with extinguishers and how each one put out fires.



Later, we suited up in full breathing apparatus for a practical exercise. One of the challenges was to navigate our team of three, blindfolded, through a series of shipping containers set up to simulate a room layout. We used the left-handed search technique and had to keep hold of each other to make sure no one got separated. The task was to locate and rescue a mannequin.

After completing the exercise, we were asked to draw out the floor plan of the containers. Unsurprisingly, none of us got it right. It really highlighted how disorienting it can be, especially when you're dealing with thick smoke in a fire situation.

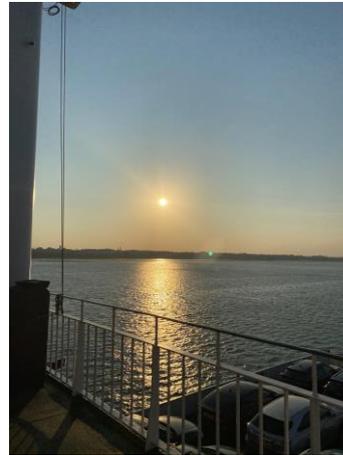
## Behind the Scenes with the BST

with Office Manager Maria Chaplin



### **Autumn Quarter**

The Autumn Quarter has been busy, we held the Authority Meeting at Northwood House on the Isle of Wight. We had a lovely trip across the Solent with the sun shining on the way out a lovely sunset to take us back again.



Unfortunately, Clare Jeans our Accounts Administrator left us in October, so I have been helping out in Finance and ensuring payments are being made and that we are on top of things.

I have been working on the Phase 3 of the office refurbishment, relating to the Officers' office space, with this phase due to start at the beginning of January 2025.



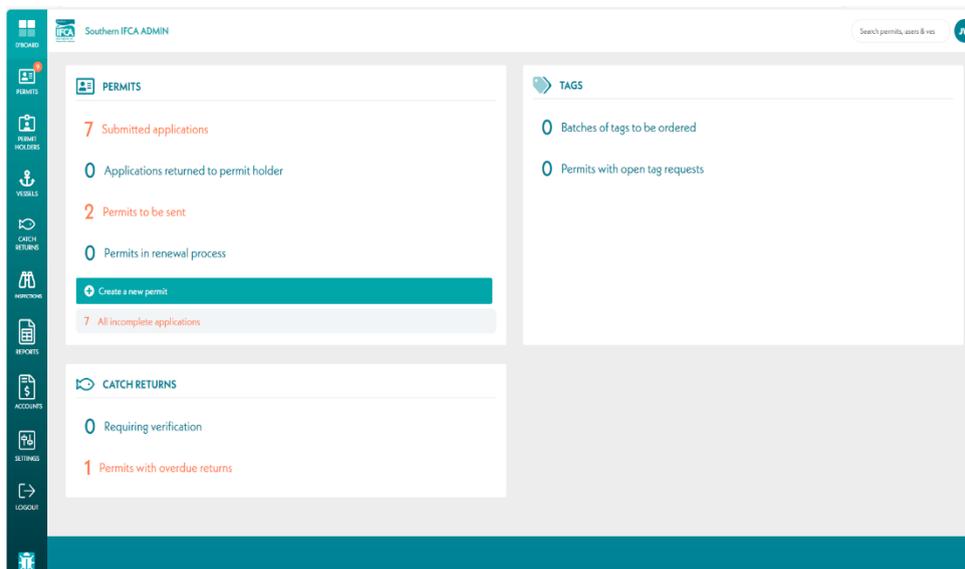
August saw the start of the development of the Poole Harbour Dredge Permit on the online Permitting System.

The fisher application process was ready for testing in mid-November and the feedback from the officers taking part was encouraging with only a few tweaks being required.

Fine tuning of the payment process and the permit documents are currently being carried out before we move on to the catch return section.

As the online Permitting System is developed and tailored to our specific needs a user guide is not supplied.

A Fish for Sale Admin User Guidance document has been created which can be used to train existing and future members of staff, guidance documents will be created as each permit is developed and launched.



## Marine Licencing Update Paper For Information

Report by IFCO H. Churchouse

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### A. Purpose

To provide a quarterly update on Southern IFCA's input into the marine licencing process between August 2024 to November 2024

### B. Annex

- I. Summary table of MLAs requiring a response between August 2024 and November 2024
- 

## 1.0 Introduction

- Marine licencing is one of the principal responsibilities of the Marine Management Organisation (MMO) to facilitate the sustainable use of the UK marine environment whilst minimising negative environmental effects and avoiding interference with navigation.
- Southern IFCA is a consultee on Marine Licence Applications (MLAs). For MLAs relevant to the Southern IFCA District, the IFCA is given 21 days to review the application and determine if a response is required to aid the MMO in its decision making and to further inform the applicant of any relevant fisheries information or considerations.
- The South Marine Plan introduces a strategic approach to planning within the inshore and offshore waters between Folkestone in Kent and the River Dart in Devon. The aim is to provide a clear, evidence-based approach, to inform marine users and regulators on where activities might take place within the Marine Plan area, allowing for national policies to be applied in a local context.
- In responding to MLAs, the IFCA must consider any advice relevant to its remit as a fisheries regulator and with regard to the South Marine Plan, taking account of the objectives and policies listed which are related to that remit. The objectives and policies of the South Marine Plan can be viewed in the plan document online - [South Marine Plan 2018.pdf \(publishing.service.gov.uk\)](#).

## 2.0 Summary of Key Points

- A summary table is provided indicating the detail of any MLAs which required a response during the last quarter, outlining the nature of the MLA and the points included in the Southern IFCA response.
- There were 12 MLAs requiring a response between August 2024 and November 2024, detail is provided in Annex 1.
- There were 7 additional MLAs received by Southern IFCA where it was determined that no comment was required.
- Since responding to the licence application for the IFA 2 Cable in July, further engagement was sought with Southern IFCA by the applicant on the cable application. During the meeting the points raised in our response were reiterated and the emphasis was put on further engagement with industry, including the recreational sector. Southern IFCA is also aware that the industry representative who responded to the original licence application have received an initial response, and that engagement between the MMO/the applicant and industry is ongoing.

### 3.0 Review of Marine Consents Work: Apr 2023 to date

- Southern IFCA’s work under Marine Consents focuses on the marine licencing system and the role of the IFCA as a consultee for relevant MLAs.
- Work on marine consents has increased over the past 3 years and is observed to increase year on year in terms of the number of relevant MLAs which Southern IFCA receive and the number requiring comment.
- This report provides an update on the MLA work to date for the 2024/25 financial year and how this compares to the previous year.

#### Marine Licence application timeseries:

Time Period	Comment Required	No Comment Required	% Requiring Comment	% change on MLAs requiring comment to previous year
Apr 2023 – Mar 2024	13	18	42	+86
Apr 2024 – November 2024	29	38	43	+123

*Note data for the 2024-2025 year only reflects MLAs received from 1<sup>st</sup> April to early November as the current available data.*

- For the number of MLAs received per month which require a response, this equates to 1.1 per month for 2023-24 and 3.6 per month for 2024-2025 to date (April to November).
- Where an MLA is identified as requiring a response, the time taken to review documentation associated with the MLA, compile any required data to inform the response, which may include engagement with industry and/or other bodies, and draft the response can be up to approximately 2 days of Officer time per response dependent on the complexity of the application and the level of detail required for the response.

### 4.0 Next Steps

- That Members receive the report.

Summary of MLA consultation requests submitted to Southern IFCA where a response was issued					
Project Name	Application No.	Application Type	Applicant	Summary of MLA	Response Points
CCYC Marina Maintenance Dredging Variation Request	MLA/2016/00446/3 (L/2017/00246/2)	MLA	Cowes Corinthian Yacht Club Ltd.	<ul style="list-style-type: none"> <li>Variation request on the granted 10-year maintenance dredging licence to alter coordinates of dredging area to allow dredging across an area that aligns with neighbouring dredging.</li> <li>Rationale is to prevent the occurrence of 'humps' on the seabed that present a navigational hazard.</li> </ul>	<ul style="list-style-type: none"> <li>Southern IFCA highlighted anecdotal evidence received from industry of the impact of disposal sites in the Solent on local fisheries, and suggested an assessment on the cumulative effects of increased suspended sediment concentration was undertaken.</li> <li>Consultation with key stakeholders was suggested, and facilitation offered.</li> </ul>
					<ul style="list-style-type: none"> <li>A response was received from the MMO, explaining that the impact of the use of the disposal site for this licence had been considered within the Marine Plan Policy Assessment, and deemed to have no additional impact on fisheries.</li> </ul>
Northney Marina Maintenance Dredging and Disposal	MLA/2024/00113	MLA	Marina Developments Ltd.	<ul style="list-style-type: none"> <li>Application to renew the expiring 10-year dredging licence for Northney Marina.</li> <li>Access for dredging requires the removal and then re-piling of piles that hold pontoons in place.</li> </ul>	<ul style="list-style-type: none"> <li>Southern IFCA highlighted anecdotal evidence received from industry of the impact of disposal sites in the Solent on local fisheries, and suggested an assessment on the cumulative effects of increased suspended sediment concentration was undertaken.</li> <li>Emphasis made on this point in relation to dredged material containing contaminants at levels above Cefas Action Level 1.</li> <li>Consultation with key stakeholders was suggested, and facilitation offered.</li> </ul>

<p>Solent Gateway Marine Project Navigational Dredge</p>	<p>MLA/2024/00206</p>	<p>MLA</p>	<p>Associated British Ports</p>	<ul style="list-style-type: none"> <li>• Application for dredging to increase the depth at the Falklands Jetty to enable larger vessels to dock.</li> <li>• Dredging to lower the depth of the channel to 11.5m below Chart Datum.</li> </ul>	<ul style="list-style-type: none"> <li>• Identified that suitable assessment had been made in relation to impacts at dredging site.</li> <li>• Southern IFCA highlighted anecdotal evidence received from industry of the impact of disposal sites in the Solent on local fisheries, and suggested an assessment on the cumulative effects of increased suspended sediment concentration was undertaken.</li> <li>• Consultation with key stakeholders was suggested, and facilitation offered.</li> </ul>
<p>Weevil Lake Dredging</p>	<p>MLA/2024/00265</p>	<p>MLA</p>	<p>Portsmouth Offshore Group Ltd.</p>	<ul style="list-style-type: none"> <li>• Application for a 10-year dredging licence for Weevil Lake marina.</li> </ul>	<ul style="list-style-type: none"> <li>• Southern IFCA highlighted anecdotal evidence received from industry of the impact of disposal sites in the Solent on local fisheries, and suggested an assessment on the cumulative effects of increased suspended sediment concentration was undertaken.</li> <li>• Information on the fisheries that occur within Portsmouth Harbour, including the dredge and net fisheries, was provided to the applicant.</li> <li>• Consultation with key stakeholders was suggested, and facilitation offered.</li> </ul>
<p>Tipner East Development</p>	<p>MLA/2024/00237</p>	<p>MLA</p>	<p>P.M.C Construction and Development Services Ltd.</p>	<ul style="list-style-type: none"> <li>• Application for works to construct a new sea wall and Bird Conservation Area</li> <li>• Works for the protection of the existing ecological Barge at the site of a new housing development Tipner East.</li> </ul>	<ul style="list-style-type: none"> <li>• SIFCA asked the applicant for clarification on whether the construction of the sea wall would require the removal or disturbance of the sediment in Tipner Lake.</li> <li>• Response received from the applicant indicated that excavation was not required for the construction of the sea wall and that all works would be undertaken at low tide, and as such no sediment disturbance in Tipner Lake was expected.</li> </ul>

<p>Ocean Village Marina Maintenance Dredge and Disposal</p>	<p>MLA/2024/00204</p>	<p>MLA</p>	<p>Marina Developments Ltd.</p>	<ul style="list-style-type: none"> <li>• Application to renew a 10-year dredging licence within Ocean Village marina.</li> <li>• Dredging scheduled to occur through the Solent Dredge fishery season.</li> </ul>	<ul style="list-style-type: none"> <li>• Information provided on the Solent Dredge fishery, in particular the potential for activity in beds at the mouth of the River Itchen.</li> <li>• Southern IFCA highlighted anecdotal evidence received from industry of the impact of disposal sites in the Solent on local fisheries, and suggested an assessment on the cumulative effects of increased suspended sediment concentration was undertaken.</li> <li>• Consultation with key stakeholders was suggested, and facilitation offered.</li> </ul>
<p>Solent CO2 Pipeline Project</p>	<p>N/A</p>	<p>Initial consultation with developer</p>	<p>Solent CO2 Pipeline Project</p>	<ul style="list-style-type: none"> <li>• Initial consultation into the 3 potential routes of the pipework for the Solent CO2 Pipeline to be laid.</li> </ul>	<ul style="list-style-type: none"> <li>• An information letter on the fisheries data held by Southern IFCA that could help inform the Project's initial surveys and decisions was provided.</li> <li>• SIFCA was informed that the Project was no longer taking place on 4/10/24.</li> </ul>
<p>Bio-remediation Scheme and Seaweed Farm</p>	<p>MLA/2024/00328</p>	<p>MLA</p>	<p>Seatreefarm Ltd.</p>	<ul style="list-style-type: none"> <li>• Application for the establishment of an area of seaweed</li> </ul>	<ul style="list-style-type: none"> <li>• Southern IFCA noted that concerns over the spread of seaweed species had been addressed in the Fisheries</li> </ul>

				<p>aquaculture to sell for commercial purposes, as well as an area of seaweed bio-remediation around an outfall pipe to monitor and research seaweed growth and water quality.</p>	<p>Impact Assessment but asked for clarification on the response that would be taken if unforeseen events prevent the collection of seaweed before spawning.</p> <ul style="list-style-type: none"> <li>• Southern IFCA sought clarification on the statement that the farm and bio-remediation areas would be 'de facto no-take zones', given that the Fisheries Impact Assessment gave no indication that potting would be excluded from the areas.</li> <li>• Southern IFCA raised the concerns of recreational anglers on the depth of strings within the water column, as strings above 2m would pose a navigational hazard.</li> <li>• Southern IFCA provided the applicant with suggestions of additional stakeholders for engagement including local angling clubs and members of the charter angling sector.</li> </ul>
<p>Port Solent Approach Channel Maintenance Dredge</p>	<p>MLA/2024/00330</p>	<p>MLA</p>	<p>Premier Marinas Ltd.</p>	<ul style="list-style-type: none"> <li>• Application for the renewal of a 10-year dredging licence for the Port Solent Approach Channel, to remove sediment above chartered depths.</li> <li>• Application sought to double the previous volume allowance.</li> </ul>	<ul style="list-style-type: none"> <li>• Information was provided to the applicant on the potential for bivalve dredging to occur in the vicinity of the Port Solent approach channel, and the impact the dredging could have on bivalve beds.</li> <li>• Southern IFCA highlighted anecdotal evidence received from industry of the impact of disposal sites in the Solent on local fisheries, and suggested an assessment on the cumulative effects of increased suspended sediment concentration was undertaken.</li> <li>• Consultation with key stakeholders was suggested, and facilitation offered.</li> </ul>

<p>Solent Gateway          Port Shiplift          Maintenance          Dredge Variation</p>	<p>MLA/2021/00456/1          (L/2022/00148/1)</p>	<p>MLA</p>	<p>Solent          Gateway-Sea          Mounting          Centre</p>	<ul style="list-style-type: none"> <li>• Variation request to alter the dredging methodology for dredging underneath the shiplift at Solent Gateway.</li> <li>• Current methodology requires a diver-supported pump that releases dredged material into an adjacent channel, while new methodology would use a standard backhoe dredger and hopper barges for transportation to a disposal site.</li> </ul>	<ul style="list-style-type: none"> <li>• Understood that the proposed dredging method represented an improvement in terms of potential sediment release.</li> <li>• Southern IFCA highlighted anecdotal evidence received from industry of the impact of disposal sites in the Solent on local fisheries, and suggested an assessment on the cumulative effects of increased suspended sediment concentration was undertaken.</li> <li>• Consultation with key stakeholders was suggested, and facilitation offered.</li> <li>• Response received from applicant stated that following further assessment into the impact of use of the disposal site, the small scale of this project in comparison to annual disposal at Nab Tower was deemed unlikely to cause any adverse effects to local fisheries.</li> </ul>
<p>Weymouth Harbour          Walls F&amp;G          Replacement</p>	<p>MLA/2024/00436</p>	<p>MLA</p>	<p>Dorset Council</p>	<ul style="list-style-type: none"> <li>• Application to replace two sections of the Harbour Wall within Weymouth Harbour, running from the western end of Weymouth beach to the Pleasure Pier.</li> </ul>	<ul style="list-style-type: none"> <li>• Information provided on recreational rod and line angling activity on both piers in Weymouth Harbour, and concerns over the impact to this activity if fish in vicinity of piers are disturbed by increased noise and suspended sediment concentration were raised.</li> <li>• Consultation with key stakeholders was suggested, and facilitation offered.</li> </ul>
<p>BCP Beach          Replenishment          Project</p>	<p>EIA/2024/00024</p>	<p>EIA</p>	<p>BCP Council</p>	<ul style="list-style-type: none"> <li>• Review of the Scoping Report for the Environmental Impact Assessment on dredging within Area 2105 in Poole and Christchurch bays for a beach replenishment</li> </ul>	<ul style="list-style-type: none"> <li>• Southern IFCA suggested that further data sources beyond VMS were used to represent patterns in fishing activity in the Poole and Christchurch Bays due to the limited data available for the inshore sector currently from this technology.</li> <li>• It was highlighted that an assessment of the impact of works to recreational</li> </ul>

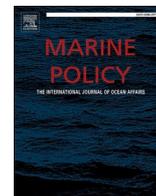
				<p>scheme within the Bays.</p>	<p>sea angling activity and charter vessels needed to be added to the Report.</p> <ul style="list-style-type: none"> <li>• Information on the fishing activity that occurs within Poole and Christchurch Bays, its diversity, and its seasonality, was provided to the applicant.</li> <li>• Industry concerns about the impact of dredging to the seabed and seabed communities, and the impact of disposed sediment on important habitats, with particular emphasis on spawning grounds, within the Bays were raised to the applicant.</li> <li>• Clarification on references to Southern IFCA within the Scoping Report was sought.</li> <li>• Consultation with key stakeholders was suggested, and facilitation offered.</li> </ul>
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*Note that references to recommendations for engagement with local fishers in responses includes both commercial and recreational sectors as required dependent on the specifics of the proposed works.*



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## Delivering effective and equitably governed marine protected area networks in the UK: The role of Inshore Fisheries and Conservation Authorities (IFCAs)

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### ABSTRACT

Against a backdrop of international commitment to establish effective marine protected area networks, UK marine policy is increasingly ambitious in its scope to designate a higher quantity and quality of marine protected areas. This ambition is not without challenge and controversy in an island nation with multiple competing demands spanning shipping, tourism, energy, conservation, and fisheries. This paper highlights the significant contribution of Inshore Fisheries Conservation Authorities (IFCAs), regional bodies responsible for commercial and recreational fisheries and conservation management in England's coastal & transitional waters, to realising an effective national nearshore network of MPAs. Equitable governance in the IFCA context could be defined as a combination of i) the remit of balancing conservation with sustainable use that inherently incorporates a central and consistent consideration of the needs and rights of local communities and ii) democratic inclusive decision-making via the IFCA authority membership providing an empowered voice and vote to local communities who have a stake in and are affected by MPA proposals in their regions. Since their inception in 2011 the IFCA *raison d'être* has been to deliver an appropriate balance between marine conservation and sustainable fishing agendas. This, along with widely recognised benefits of regionality and devolved powers, places experienced IFCA staff and members in a strong position to navigate many of the challenges of developing and expanding MPA networks that are both legitimate and effective. This paper lays out the case for why the IFCA model and mode of practice is tailored to deliver effective marine protected area networks that are equitably governed with attention to sustainable use and the livelihood needs of local communities. We present evidence from across England that demonstrates IFCA-led progress in MPA management. These include the use of IFCA byelaws to appropriately manage fishing impact, balancing sustainable use with effective marine conservation including prohibition of bottom-trawling in many protected areas, a form of fishing often criticised for undermining MPA efficacy.

### 1. Introduction

Marine Protected Area Networks can deliver extensive and effective marine conservation where well-connected protected areas can collectively become greater than the sum of individual areas [1–3]. An MPA network is defined by the International Union for Conservation of Nature's Marine Program as “a collection of individual marine protected areas (MPAs) or reserves operating co-operatively and synergistically, at various spatial scales and with a range of protection levels that are designed to meet objectives that a single reserve cannot achieve” [4]. The theory dictates that well designed and implemented networks of

MPAs can outperform single marine reserves delivering a variety of benefits whilst minimising some of the negative economic, social and cultural impacts associated with single large no-take reserves [5].

Over the last two decades, political commitment to establishing effectively managed MPA networks has intensified, driven by a succession of international targets, most recently Target 3 of the Kunming-Montreal Global Biodiversity Framework agreed in December 2022. Target 3, known also as ‘30×30’, commits signatory governments to conserve at least 30 % of coastal and marine areas by 2030 through ‘ecologically representative, well-connected and equitably governed systems of protected areas’...Importantly, and relevant to this paper's

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focus on MPA governance, the full text of Target 3 continues to state that conservation measures are “integrated into wider landscapes, seascapes and the ocean, while ensuring that any sustainable use, where appropriate in such areas, is fully consistent with conservation outcomes, recognizing and respecting the rights of indigenous peoples and local communities, including over their traditional territories”.

The UK MPA network includes sites established under European Union (EU) legislation. These areas are designated as Special Areas of Conservation (SAC) to protect internally important species and habitats and Special Protection Areas (SPA) designated to protect areas and habitats important for assemblages of internally protected bird species. The areas were established in UK law in the mid-1990s and have been transposed into domestic UK legislation following the withdrawal of the UK from the EU. Both these laws apply on land as at sea and together they form part of the Natura 2000 network of protected sites. Marine SACs only comprise a few very broad habitat features. Habitats relevant to the management of UK fishing include sandbanks slightly covered by seawater at all times, reefs, shallow inlets and bays, sea caves, mudflats, estuaries. Many of these broadscale features have been prescribed sub-features that are more practical for marine habitat protection for regulators and sea users. UK domestic legislation under the Marine and Coastal Access Act (2009) has resulted in 91 UK MPAs called ‘Marine Conservation Zones’ (MCZs) that were designated by 2019 in three separate tranches. MCZs, although under different legislation from European Marine Protected Areas, have been treated similarly in their protection levels from different fishing gears [6]. Features used for protection within MCZs are more detailed and numerous than for European Marine Sites. SSSIs (Sites of Special Scientific Interest) are also part of the UKs MPA network, but they have not been used extensively to designate areas below the low water mark. Many features within these designations are cross-cutting in space, leading to overlap of site designations, for example the UKs commitment to the protected of wetlands under the RAMSAR convention is achieved through a combination of its designating areas as SPAs and SSSIs. There has been a tension between in calling for MPAs to deliver protection and enhancement for wider ecological processes [7], and those considering feature-based protection alone within MPAs. A feature-based approach to management has been the application of the network as part of the Marine and Coastal Access Act (2009), but it is regularly argued that protecting wider ecosystems in MPAs beyond designating features is vital to protect ecosystem processes [8].

This explicit attention to the ‘equitable governance’ of MPAs, in the context of wider seascapes, sustainable use, and rights of indigenous peoples and local communities, stems from recognition that a lack of attention to social justice and human rights has historically frustrated progress in achieving protected area efficacy [9–11]. Governance challenges include unresolved tensions between sustainable use and effective protection of marine resources, unequal and inequitable distribution of the benefits and costs of MPA designation across diverse coastal communities, and a lack of meaningful participation in decision-making by affected communities [12–14]. Policy responses regularly focus on the quantitative ‘percentage’ part of MPA coverage as their principal concern, sidelining more qualitative elements of global targets such as equitable management or ecological effectiveness [15–17]. As De Santo (2013) [18] laments in the title of their widely cited article, in the race to meet MPA targets “the push for quantity over quality undermines sustainability and social justice”. Conservation outcomes are clearly better achieved at smaller-scale coastal MPAs where there is community participation and involvement, leading to a sense of stewardship at the human/coastal interface [19].

Explicit attention to sustainable use and human rights in the 2022 Global Biodiversity Framework, which sets the international agenda for how MPA networks targets can and should be achieved creates a timely space for greater recognition of the processes and impact of MPA governance in English inshore waters. This paper discusses the role of Inshore Fisheries and Conservation Authorities (IFCAs) in progressing

both effective and equitable management of MPAs in England inshore waters. The IFCA model explicitly seeks balance between sustainable use and marine protection, whilst the IFCA mode of practice is founded on deliberative democratic decision-making forums embedded within regions that are inclusive of multiple local stakeholders. As such, we argue that IFCAs are well tailored to deliver - at a relevant scale - coastal MPA networks that achieve equitable governance alongside effective management, speaking to the full breadth of Target 3 of the Global Biodiversity Framework.

Using the IFCA context, we define equitable MPA governance as a combination of; i) a remit for balancing conservation with sustainable use, (which inherently incorporates a central and consistent consideration of the needs and rights of local communities) and ii) democratic inclusive decision-making via the IFCA authority membership, which provides an empowered voice and vote to local communities who have a stake in and are affected by MPA proposals in their regions. The IFCA model therefore provides an existing mechanism to operationalise delivery of Target 3 of the GBF, which has been operational in England’s inshore waters since 2009 and, as we evidence in this paper, is achieving positive results.

The paper starts by setting the historical policy context of the development of a UK MPA network and the evolving role of IFCAs in delivering the management of inshore MPAs (Section 1).

### 1.1. Policy origins and development of a UK MPA network

The UK Marine Strategy [20] provides the framework for delivering marine policy at the UK level and sets out how the Government will achieve its vision of clean, healthy, safe, productive and biologically diverse oceans and seas. Forming part of the framework to achieve Good Ecological Status (GES), the UK Government and Devolved Administrations committed to creating an ecologically coherent network of Marine Protected Areas (MPAs) in UK waters<sup>1</sup> and to do so in accordance with the OSPAR commission guidance [21,22]. To deliver the network, the Marine and Coastal Access Act, 2009<sup>2</sup> provided for the establishment of a network of MPAs comprised of:

- Special Areas of Conservation (SACs) established under the Habitats Directive<sup>3</sup>;
- Special Protection Areas (SPAs) for birds established under the Wild Birds Directive<sup>4</sup>;
- Sites of Special Scientific Interest (SSSIs);
- Sites designated under the Ramsar Convention<sup>5</sup>;
- Marine Conservation Zones (MCZs), provided for in the 2009 Act.

In the UK, biodiversity policy is a devolved matter, thus each of the four countries (England, Northern Ireland, Scotland and Wales) have separate strategies and implementation actions coordinated by a UK Biodiversity Group. ‘Brexit’ (Exit of the UK from the EU) has had no bearing on these Marine Protected Areas – largely as they were designated under UK regulations that transposed EU Directives into UK law and because, as part of the UKs withdrawal agreement with the EU, its wider trading arrangements and its obligations under wider international law governments have remained committed to effective marine protected area management.

The 2009 Act created the Marine Management Organisation (MMO)

<sup>1</sup> <https://webarchive.nrscotland.gov.uk/3000/https://www.gov.scot/Re%20source/0041/00411304.pdf>

<sup>2</sup> <https://www.legislation.gov.uk/ukpga/2009/23/contents>

<sup>3</sup> Habitats Directive, available from: [http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index\\_en.html](http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.html)

<sup>4</sup> The Wild Birds Directive, available from: [http://ec.europa.eu/environment/nature/legislation/birdsdirective/index\\_en.html](http://ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.html)

<sup>5</sup> Ramsar Convention, available from: <https://www.ramsar.org/>

and Inshore Fisheries and Conservation Authorities (IFCAs); these organisations, alongside their other duties (which include the management and enforcement of fisheries regulations), have responsibility for the management of fishing activity within MPAs. Unlike the MMO whose remit extends to 200 nm, the IFCAs have a more limited scope, insofar as their management relates only to fishing (using a broad definition of this term) and their geographic area is limited to the area in the 0–6 nm coastal area. EU Exit by the UK ('Brexit') has had no bearing on the jurisdiction of the IFCAs. There was some discussion leading up to EU Exit that the UK fleet would gain exclusive access to 12 nm or the midline or EEZ, but this was not the final position of the Trade and Cooperation Agreement between the EU and the UK [23].

According to the latest data, the UK has designated 584 MPAs covering 51 % of England's inshore waters and constituting 48 % of (the 329) inshore MPAs in the entire UK. Despite the significant coverage of designated Marine Protected areas in UK waters UK marine ecosystems did not meet GES requirements for 11 of 15 indicators [24]. The 2019 Assessment<sup>6</sup> concluded that, alongside the input or spread of non-native invasive species, fish and shellfish harvesting has been identified by the UK Government as the activity exerting the main pressure preventing or delaying Good Ecological Status in UK waters.

So why, despite the development of the network of MPAs, are they failing to deliver on their policy objectives? One answer, which is usually the default 'go to' assumption, is ineffective management of MPAs. As was stated by the EA report in 2017 "Whilst designating MPAs is important, their benefits will only be realised if they are effectively managed" [25]. This answer however is insufficient as a full explanation. As the high percentage of active MPA designations & associated regulations listed above attest, there is considerable management in place. What is lacking is evidence on the impacts of that management on ecological status, leading to concerns and perceptions of UK MPAs being 'paper parks' [26]. In many cases, long-term data required to ascertain impact of MPA designation is not available either due to the longevity required for impacts to materialise and be detectable, and/or due to lack of sufficient monitoring in place. However, it may also be the case that evidence utilised in the national assessment, which may aggregate distant data, lacks sufficient detail and granularity required to capture the impacts of regional management. IFCAs are data rich in terms of monitoring of ecosystem habitats & management and can contribute to national assessments with more tailored support and capacity to do so.

## 1.2. The evolution of IFCAs from managing fisheries to managing fisheries AND conservation

Since the 1800's regional committees, or joint committees of local government have managed inshore fisheries in England. Until 2011 twelve Sea Fisheries Committees (SFCs) in England and Wales, were constituted by way of Ministerial Order being formed of persons acquainted with the needs of the local fishery alongside local elected politicians (from the funding authorities) to regulate inshore fisheries (Fig. 1). Their regulation, mostly through local byelaws, restricted the types, seasons and methods by which fish were caught as well as the sizes of those fish. Additional powers were also conferred on the SFCs to regulate and manage bivalve shellfisheries.

Throughout the 20th Century the powers of the sea fisheries remained broadly unchanged. The last substantial, albeit a tidying up exercise, reform to their founding legislation was in 1966 under the Sea Fisheries Regulation Act. Although amendments to the 1966 Act, notably by way of The Sea Fisheries (Wildlife Conservation) Act 1992 enabled The Sea Fisheries Committees to consider the marine environment generally; their explicit duties to do so, as well as their general structure (being as it was mostly dominated by commercial fishing

interests), led the then government (notably with cross party support) to abolish the committees, and in 2011 replace them with Inshore Fisheries and Conservation Authorities (IFCAs) by way of the Marine and Coastal Access Act, 2009.

Reflecting on the importance of SFCs to marine conservation it is notable that whilst the explicit biodiversity conservation outcomes of the sea fisheries committees were often limited (with notable exceptions), inshore biodiversity was also conserved in the interests of sustainable fishing; predominantly this was achieved by the SFCs introducing vessel length restrictions into the nearshore waters. These measures meant that the inshore waters (initially in the 0–3 nm zone, then in the 0–6 nm districts) were essentially the reserve of coastal fishers from nearby ports, rather than incurring fishing from larger vessels able to exploit resources from around the UK coast. Indeed, that was inferred (though not expressed) intention, to reserve the coastal belt for coastal fisheries. However, the structure of the British coastal belt altered over the latter part of the 20th Century because of, amongst other things, the management of shared European stocks following the UKs accession to the European Community, and the economic and technological development of a far more efficient and capable inshore fleet of vessels operating bottom towed fishing gear (BTFG).

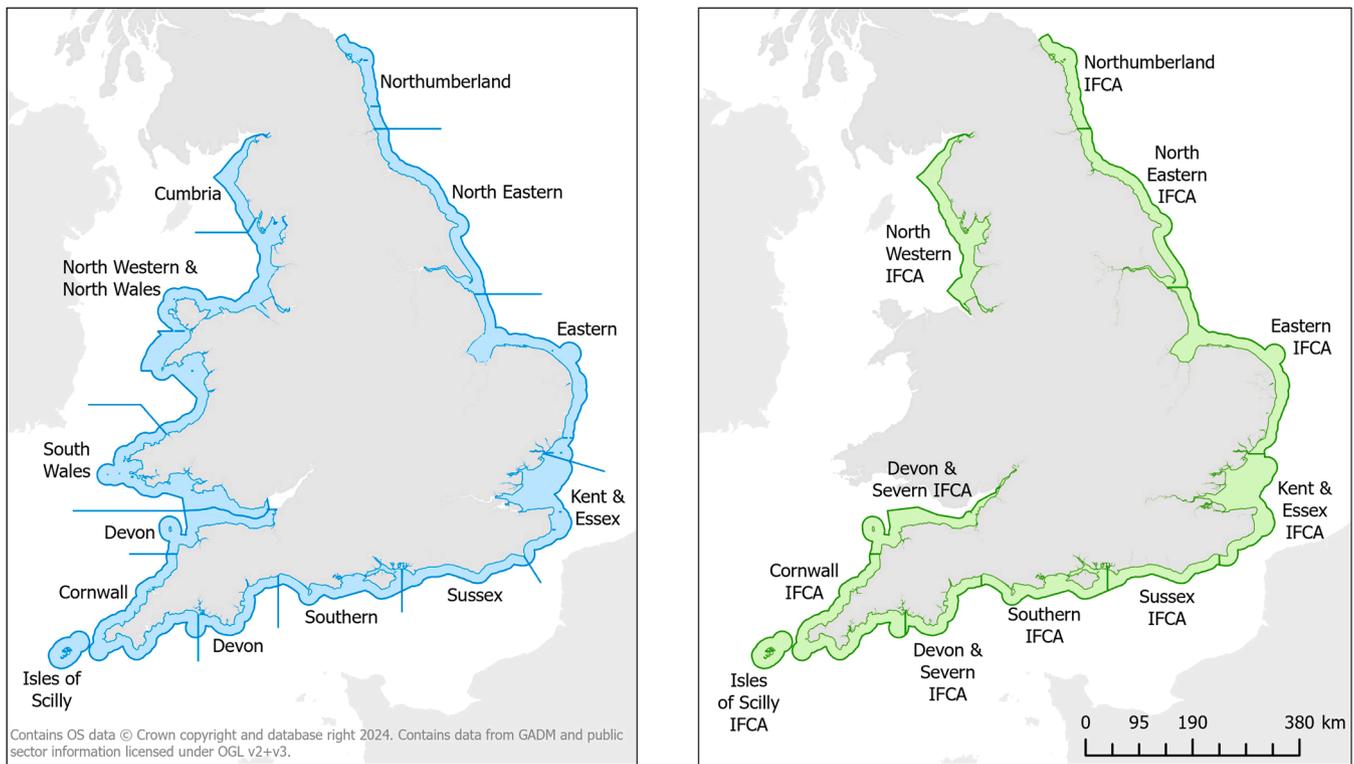
A key driver for the modernisation of inshore fisheries governance was, amongst other things, the recognition of the need to balance the needs of different users and interests in the marine environment exemplified by the developing network of marine protected areas in the UK [27]. The same Act that created the IFCAs in 2011 concurrently led to the completed MPA network. The 2009 Act saw local government, through the newly formed IFCAs (as committees or joint committees of local government), with new duties to manage the marine environment as well as inshore fisheries and updated powers to do so. By creating the IFCAs the UK government has established 10 locally accountable organisations responsible for delivering national objectives (particularly as they relate to marine protected areas) as well as the regulation of the exploitation of marine fisheries resources in their districts more generally. This evolution has broadened the reach of IFCAs, making them more collaborative in their working arrangements [28] and in their attempts and requirements to engage a wider group of stakeholders in their decision-making, particularly around MPAs.

The link between ecosystem-based management of fishing activities and the environment, particularly within Marine Protected Areas, was made explicit in the 2009 Act. The IFCA approach was only developed for English coastal (0–6 nm) waters, as the powers of fisheries management within Welsh coastal waters (0–12 nm) was devolved to Welsh Government after devolution of Wales in 2006. At the time of Welsh devolution, Welsh Government decided not to have local IFCAs, and centralised fisheries management to the capital in Cardiff (Fig. 2). This has been a controversial decision, with some saying it lacked the vision in England [29].

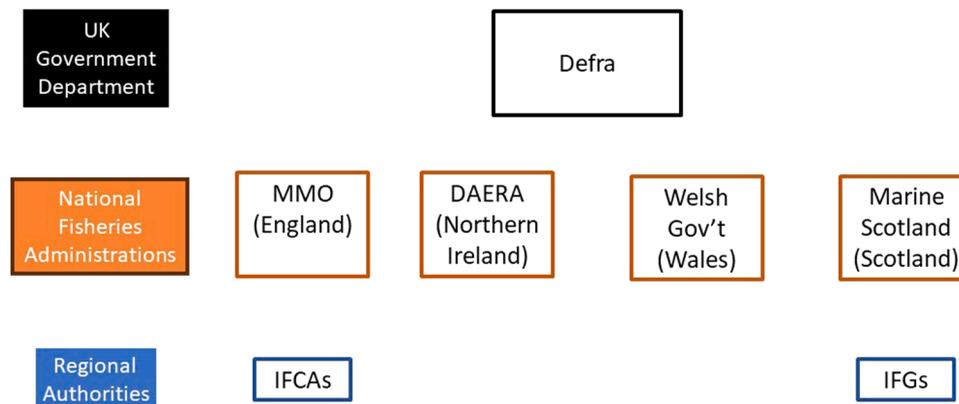
The 'vision' of the IFCA endorses an ecosystem-based approach to fisheries management: "*Inshore Fisheries and Conservation Authorities will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry*"

The proposition that MPAs both *can* and *should* lead to win-win outcomes for conservation and development thus satisfying the needs of conservationists, governments, fishers, tourism operators, and local communities is often the dominant paradigm. Proponents of MPAs cite elements of 'spill-over' where increased productivity of protected habitat and species (gametes and adults) can lead to areas outside the protected area benefitting from increased catch rates and biodiversity [30]. This theory has been established for more sessile commercial species such as lobster [31] and scallops [32]. Proponents of area-based conservation measures also cite the evidence of increased biodiversity, particularly for benthic habitats and ecosystems [7]. The successful achievement of the dual mandate of achieving sustainable fisheries and

<sup>6</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/921262/marine-strategy-part1-october19.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/921262/marine-strategy-part1-october19.pdf)



**Fig. 1.** 12 Sea Fisheries Committees (1966–2009) (left). The 10 Inshore Fisheries and Conservation Authorities (2010 – present) (right). Note the change in Wales and northwest England. Also that the upper reaches of the Severn estuary are now managed by the Devon and Severn IFCA.



**Fig. 2.** Fisheries administration and management throughout the United Kingdom. All administration of fisheries is devolved to individual nations of the UK, with the only regional administration carried out by IFCAs (England) and RFGs (Scotland). RFGs have no byelaw making powers, unlike IFCAs. All powers related to bylaws are carried out in Northern Ireland, Scotland and Wales by central devolved administrations based in Belfast, Edinburgh and Cardiff.

biodiversity conservation is more complex in reality than in theory [33, 34].

### 1.3. How do the 10 IFCAs work?

The 10 IFCAs are committees (where there is only one funding Council) or joint committees of local government. Like the SFCs before, IFCAs are created by way of Ministerial Order, and they are bound by the various relevant prescriptions of the Local Government Acts (notably on issues of transparency and declaration of interests and the proceedings of the meetings). The IFCA committees discharge their duties by way of proceedings and resolutions in formal (and public) meetings. IFCA members have overall responsibility for the organisations. The membership of the IFCAs is a mix of General Members, appointed for their

skills and knowledge relevant to the local fisheries and the marine environment and Local elected Councillors, appointed by the IFCAs funding authorities and they are joined by ‘Additional Members’; who are staff of Governments Arm’s Length Bodies (ALBs) and they are appointed by the Environment Agency and Natural England. These later members bring both technical expertise and knowledge of national policy. The IFCA committees are led by the Chair of the Authority.

The IFCA members employ a team of professional officers to undertake their day-to-day operations. A chief officer oversees the activities of the IFCA professional service. The IFCA staff (broadly speaking) are organised by scientific, enforcement and administrative disciplines and they, either directly or through organisational hierarchy, report to the committee. As such, the IFCA model is effective at reducing much of the power imbalance in traditional fisheries-related dialogue that has

been dominated in the past by the largest quota holders [35].

Much of the day-to-day work of the officers of the IFCAs involves monitoring existing regulation though both scientific survey and through compliance monitoring (including on the water using their seaborne patrol assets) and gathering and updating evidence so as to support the creation or evolution of regulation: Mostly byelaws but also notably shellfisheries (including aquaculture) in Several and Regulating Orders created under the Sea Fisheries (conservation) Order 1967. The work plan (codified in an annual plan submitted to Defra) of each IFCA is directed by the members, where a mixture of bottom up (led by committee members and external local voices) alongside national legislative and policy drivers that come from the related government department (Defra)<sup>7</sup> are delivered. Progress is reported through annual reports.

The IFCA Districts (or the land and sea area they cover) range from over 100 km of coast, with usually 2–3 enforcement vessels per IFCA. The smallest IFCA (Isles of Scilly) with one boat and 2 staff is completely different to the largest IFCA (Eastern) with 3 boats and over 20 staff.

The IFCAs are independently funded by local government (nationally their total funding in 2024 is c.£9 m per annum), and hence their strong links to local authorities, but directed by their committees (with Councillors working commercial fishers, scientists, recreational anglers, NGOs and ALBs who set and monitor strategy). The instruments of governance of the IFCA set out that these members are not there to represent their sectors, but to bring their skills, knowledge and experience to the decision-making table. Since the new duties on local government were created by the 2009 Act, central government support IFCAs funding councils with grant funding (c.£3 m per annum) to defray these 'new burdens'<sup>8</sup>; costs. IFCAs levy the local authorities for their funding, but local authority members of the IFCA retain the ability to veto that levy. Nationally, the IFCAs are represented by an Association and there are national groups associated with technical matters of fisheries and conservation science (Technical Advisory Group), and enforcement (NIMEG). These bodies exist to ensure communication in these essential areas is harmonised and that there is best-practice learning.

#### 1.4. Conservation advice on managing MPAs

In England over 50 % of the coastal waters are designated, in one form or another, as a marine protected area. Associated with the UK's marine protected area network are the individual site designation orders, which include site specific conservation objectives. Those charged with implementing conservation management in marine protected areas receive advice from the government statutory nature conservation advisors. The duty of fisheries managers in the UK is to:

- exercise their functions which are relevant to nature conservation, including marine conservation, to secure compliance with the requirements of the Directives.<sup>9</sup>
- Further the conservation objectives of Marine Conservation Zones.<sup>10</sup>

<sup>7</sup> <http://www.association-ifca.org.uk/about-us/defra-guidance-to-the-ifcas>

<sup>8</sup> [New burdens doctrine: guidance for government departments - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/new-burdens-doctrine-guidance-for-government-departments)

<sup>9</sup> The Conservation of Habitats and Species Regulations 2017 si. 2017 No. 1012 pt.1 reg 9 as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

<sup>10</sup> S.154 Marine and Coastal Access Act, 2009.

- Maintain and enhance the condition of SSSIs/ASSIs, and to ensure that (consented) activities do not damage the interest features for which the site was notified.<sup>11</sup>

Conservation advice is provided by the devolved administrations SNCBs. In England, in inshore waters, that comes from a body called 'Natural England' (who also have a seat on each IFCA committee), in Scotland NatureScot, In Wales Natural Resources Wales and Northern Ireland the Northern Ireland Environment Agency.

The SNCBs have duties to provide "condition assessments" for the MPA network through a variety of statutory frameworks. The condition assessments inform the conservation advice and consequently (are intended to) provide a feedback loop between the advice, the management, and the condition of the marine protected areas.

Site specific conservation advice provided by the SNCBs is informed by their 'judgement' of the impacts of different fishing methods on habitats and species inside MPAs. In England the evidence underpinning these assessments is summarised in an online database for each MPA called the 'designated sites system (DSS)'.<sup>12</sup> Where local evidence is not available then proxies are used.

Whilst inshore fisheries managers are not obliged to follow the advice from the SNCBs, they should give it sufficient weight to their advice when coming to a determination on how to manage a protected site or species, in accordance with their duties. For example, in the case of an area designated a Marine Conservation Zone (MCZ) the IFCA must exercise its functions to further the conservation objectives of these sites. Alongside the formal advice, evidence informing the MPA management (and the site condition) is derived from a variety of sources and from a variety of differing monitoring techniques, including drop-down camera, sidescan sonar, grab samples, bivalve surveys and modelling, SCUBA dive surveys (including provision of evidence by the national 'citizen science' dive programme – Seasearch<sup>13</sup>). The catalogue of scientific literature from temperate seas (both inside and outside MPAs) is also added to the judgement of fishing impacts in inshore MPAs. As such the SNCB advice is only part of the picture for applying appropriate site management, particularly when the SNCB regularly doesn't include ground-truthed species and habitat distribution data due to financial constraints. The latter information is often gathered by IFCAs themselves with boat-based technology that they regularly use from their own vessels [36].

In the case of the IFCAs such evidence alongside the knowledge of the members of the authority itself and information derived by way of formal and informal consultation processes, informs IFCA decisions. These resources provide evidence by which IFCAs may, where necessary, apply byelaws – local laws – to manage fishing. The IFCAs process of determination of how to achieve the conservation objectives is complex: multiple interests are represented through the IFCAs membership, they attempt to reconcile conservation advice with knowledge of fishing and the social and economic impacts of management, bounded within the duties of the authorities. This is in contrast to the systems that have emerged in Wales, Scotland and Northern Ireland that are more top down and less nuanced and numerous in their application and spread. Traditional political power within certain parts of the fishing industry could be argued as having disproportionate influence on local decision making in fisheries [28]. The membership, communication,

<sup>11</sup> In Scotland an SSSI may include the intertidal land down to mean low water spring or to the extent of the local planning authority area, thus only limited areas of estuaries and coastal waters beyond MLWS may be included. In England, Natural England may notify an SSSI over estuarial waters and further adjacent waters in certain circumstances (section 28(1 A & 1B) of the Wildlife and Countryside Act 1981 as amended by Part 2 of Annex 13 of the Marine and Coastal Access Act 2010).

<sup>12</sup> <https://designatedsites.naturalengland.org.uk/>

<sup>13</sup> <https://www.seasearch.org.uk/>

collaborative working and understanding of legal imperative illustrated by IFCA staff have led to a reduction in imbalance, leading to more equitable decision-making, benefitting community and marine biodiversity [36]. We explore the consequences of this difference and also some of the challenges associated with the conservation advice.

### 1.5. Cultural and legal challenge in 2011

As stated, the advent of the 2009 Act conferred a duty on public bodies – including IFCAs – to further the conservation objectives of MPAs. This new act was created at the same time as a seminal legal campaign was emerging from UK NGOs (ClientEarth and MCS) that focused fisheries management within all MPAs to use a ‘risk based’ approach [37]. The result of the change in the powers of the IFCAs, coupled with the ‘risk based’ or ‘revised approach’ was that IFCAs were tasked with bringing in MPA fisheries management measures, not just in the MCZ network (as the 2009 Act envisaged) but also in the Natura 2000 network in English inshore waters of SACs and SPAs. This substantially increased the responsibility on the IFCAs. Defra officials collaborated with the marine science advisors (CEFAS<sup>14</sup>) and the MMO to devise a one-stop shop ‘risk matrix’ in order to provide assessments of where habitats needed management from particular fishing gears. Where interactions between fishing gears and habitat were deemed uncertain in cause and effect, an Impact Assessment was stimulated at the site level. Moreover, to avoid the risk of possible infractions, the government set a timetable of two years (by 2014) for dealing with the ‘high risk’ interactions (Fig. 3). Further protection of moderate risk interactions (e.g. sediment habitat interaction with bottom towed gears) was timetabled to be completed by 2017. Whilst there has been some slippage from these timetables, the result has been extensive protection of reef habitats inside MPAs, whilst protection of sand, mud and mixed sediment habitat within current MPAs has been at a lesser extent.

This same timeline was applied to the managers responsible for offshore fisheries (the Marine Management Organisation and Defra itself). The administrative and overarching role of the European Commission and processes under the Common Fisheries Policy meant that offshore UK MPAs did not achieve these timetabled targets [38].

In contrast to the progress in England of regulations to protect nearshore MPAs, there has been a lack of progress to managing inshore marine protected areas in Wales since 2010.<sup>15</sup> In 2017, The National Assembly for Wales concluded that in many instances the designation of MPAs in Welsh waters has not equated to protection or translated into management. Terry and others [29] conclude that the lack of progress is because “Since taking over direct responsibility for the Welsh marine environment, the Welsh Government has failed to integrate fisheries management and marine conservation as effectively as has been achieved by relevant English authorities, particularly Inshore Fisheries and Conservation Authorities (IFCAs)”.

In Scotland, instead of IFCAs, Inshore Fishing Groups (IFGs) were established in 2009, first running through a pilot project [39]. Following this pilot, the Scottish Government changed some boundaries on the establishment of the IFGs proper, but the remit of the groups remained broadly the same [40]. This remit is ‘[t]he development and implementation of regional policies and initiatives relating to the management and conservation of inshore fisheries, and effects on the marine environment ... and the maintenance of sustainable fishing communities’ [39]. Harrison [41] observes that despite “a range of statutory tools [that] are available to assist with the management of NCMPAs. These tools are currently under-utilised”. Considerable work is still required to progress fisheries management of the established sites in

order for Scotland’s MPA network to be effective in achieving its objectives of promoting the enhancement of marine biological diversity (Fig. 4).<sup>16</sup> There has been criticism in some quarters that the IFGs represent the views of the *status quo* for inshore fisheries using towed gears to exploit Nephrops and scallops, leading to inequality of representation on advice to Scottish Government [42]. Northern Ireland has protected 80 % of its MPA network from bottom towed fishing gears as recently as January 2023, whilst Wales has only protected 0.2 % of its MPA network from all forms of bottom towed fishing gears (Fig. 4). Wales’s most significant contribution to managing damaging fishing in its MPAs came with the 2010 Scallop Order that closed almost all its MPA area to king scallop (*Pecten maximus*) dredging including a general ban within 1 nm of the coast [43]. However, management of other forms of bottom towed gears hasn’t occurred in Welsh MPAs since 2010.

### 1.6. Effective case studies

IFCAs - by having effective cross-disciplinary teams, their own scientists, and by collaborating with NGOs, academics and other institutions can gather their own evidence to enact new bespoke conservation measures. By having the powers to create their own by-laws and having statutory conservation advisors on their committees as well as the fishing industry, they are uniquely placed to make decisions well founded on science and local stakeholder interest. Such detailed knowledge allows for considerable nuance in the delivery of management measures over discrete areas - both within and outside MPAs. This is not the case in other UK devolved countries due to a lack of confidence in decision-making, and the lack of will to drive change at the fine scale.

Interdisciplinary science fostered by IFCAs and their partners has helped develop the evidence base to enable delivery of bespoke MPA management.<sup>17</sup> Here we provide some examples as to measures they have taken that would be much more difficult in other devolved countries without such regional representation:

- i. Understanding seabed habitat condition in individual MPAs with bottom trawl bans:

The Cornwall Inshore Fisheries and Conservation Authority has been surveying the deep-water reefs of the Eddystone MPA (2014–2020). This project was funded by a local yacht company (Princess Yachts), and coordinated by an NGO (Marine Conservation Society). Data was analysed and written up by the University of Exeter, whilst the IFCA gathered the data using sidescan sonar and drop-down cameras [36,44]. This study proved that the MPA was effective at expanding the range of vulnerable seabed features.

- ii. Understanding distribution of seagrass beds inside and outside MPAs

Cornwall IFCA has used sidescan sonar on its coastal survey vessel<sup>18</sup>. This vessel is adapted to working in very shallow waters due to its shallow draft, and booster jets allowing it to turn on its axis. Seagrass surveys have significantly increased knowledge of seagrass extent in Cornish waters in 2021 & 2022. The work has enabled better understanding of where an associated EU LIFE-funded project (ReMEDIES) should focus effort on seagrass restoration and protection.<sup>19</sup> In some of the beds concerned, NGOs have been introducing Advanced Mooring Systems to stop the abrasion of the seabed from heavy mooring chains from recreational vessels, and detailed surveys are leading to

<sup>16</sup> <https://www.scotlink.org/scotlands-marine-protected-areas-need-real-protection/>

<sup>17</sup> <http://www.association-ifca.org.uk/Upload/MPA/AIFCA%20Leaflet-2019%20v15-hires.pdf>

<sup>18</sup> <https://www.cornwall-ifca.gov.uk/tiger-lily>

<sup>19</sup> <https://saveourseabed.co.uk/>

<sup>14</sup> Centre for Environment Fisheries and Aquaculture Science

<sup>15</sup> <https://senedd.wales/laid%20documents/cr-ld11159/cr-ld11159-e.pdf>

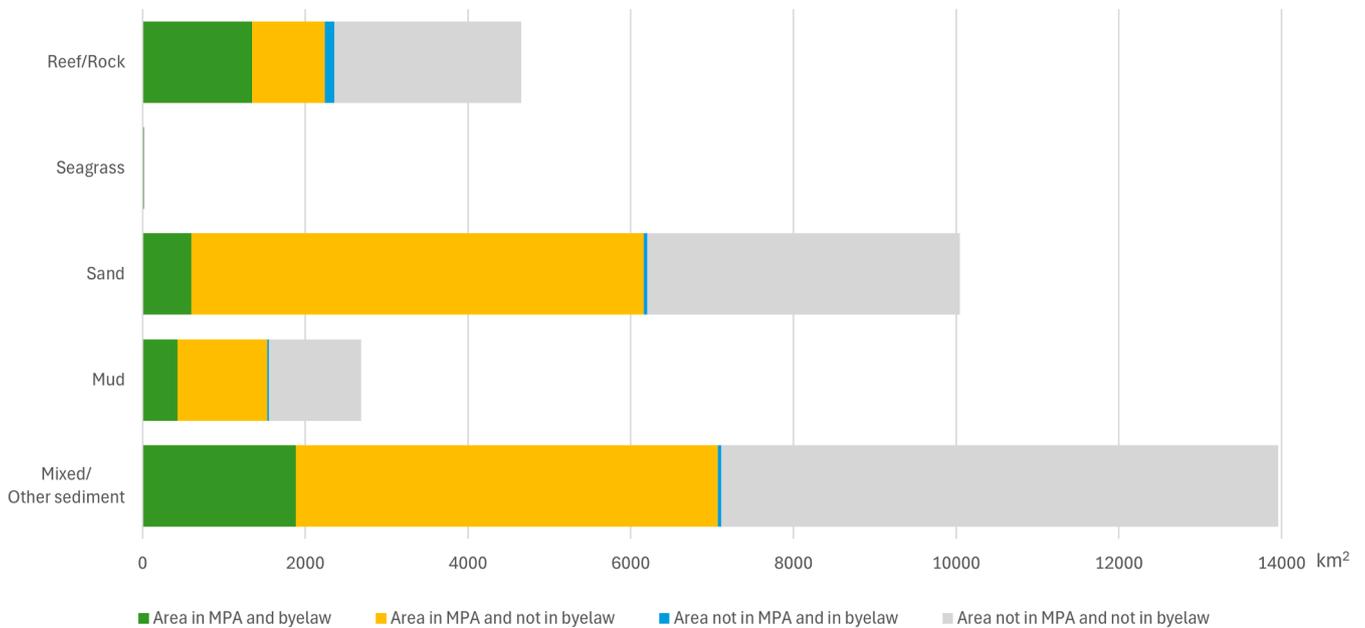


Fig. 3. The proportion of different habitats protected in nearshore waters from bottom towed fishing gears by local IFCA bylaw in England's inshore waters under IFCA jurisdiction.

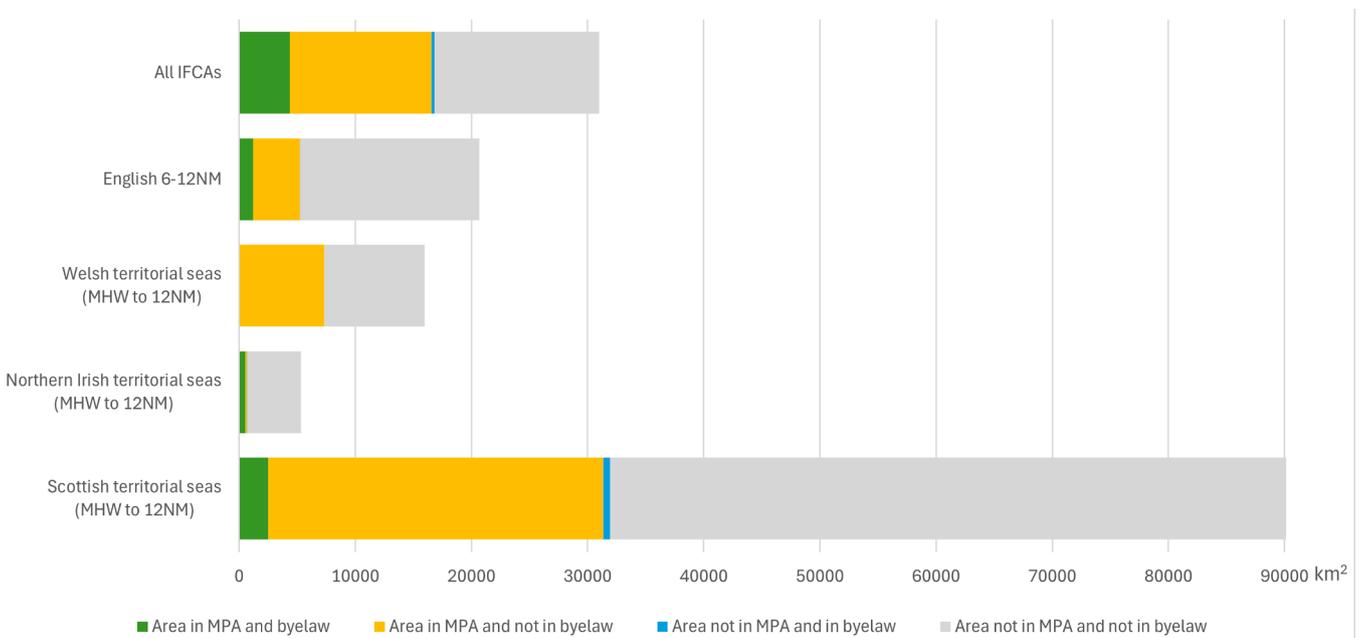


Fig. 4. Area of MPAs protected from bottom towed fishing gears in separate devolved UK administrations inshore waters (0–12 nm) since 2011. England has protected 25.5 % of its MPA network in inshore waters from bottom trawling in relevant IFCA bylaws, Wales 0.2 %, Scotland 8 % and Northern Ireland 80 %.

discussions to further fisheries management measures to reduce impact on the habitat.

iii. Enabling better understanding of fish habitat use inside and outside MPAs.

Cornwall, Devon and Severn and Sussex IFCAs have been involved in a collaborative INTERREG Channel/Manche project coordinated by the University of Plymouth (called FISH INTEL<sup>20</sup>) running between 2021 and 2023. The project operated between

France and England involved fish tagging (European Seabass, Pollack, bluefin tuna, blackhead bream, and the Crawfish, *Panilurus elephas*) with acoustic transponder tags. Acoustic listening stations were strategically placed on the seabed to listen to where and when these fish (and crawfish) pass by. This data is helping to understand spatial use of these animals and will be used by English and French authorities involved in fisheries management and ecosystem-based management.

iv. Reconciling competing resource demands in MPAs.

The natural harbour in Poole is renowned for its unspoilt, wildlife-abundant landscape, made up of marshland, mudflats, reedbeds, shallow bays, and expanses of open water. Combined,

<sup>20</sup> <https://www.mcscuk.org/ocean-emergency/marine-protected-areas/recovery-projects/fish-intel-project/>

they form an important habitat for protected birds and marine species, making the harbour a Site of Special Scientific Interest (SSSI). The harbour is also the location of a significant Manilla clam *Ruditapes philippinarum* population. Prior to the formation of the IFCA, with poor systems of control in the fishery, the harbour was subject to extensive illegal fishing for many years, and this was to the detriment of the species, local environment, and the fishing community in Poole. Due to IFCA management the fishery operates in a way that is compatible with the conservation objectives of Poole Harbour. The fishery is now carefully managed by everyone involved, utilising a restrictive permit scheme and there are regulations around not taking juvenile shellfish [45]. Furthermore, through co-management and collaboration, work has been undertaken with fishermen to help them recognise Endangered, Threatened and Protected species (ETP) in the harbour and understand how to minimise their interactions. Measures include cordoning off areas with known sensitive habitats to fishing activity for protection, like saltmarsh and seagrass, which are key for supporting marine biodiversity, and temporal restrictions that prevent fishing during the roosting and feeding seasons of wild bird populations.

v. Equitable decision-making for MPA management.

MPAs and their management can be contentious. As vital bodies involved in making decision for the future of MPAs, IFCAs are heavily involved in collating information from stakeholders to achieve resilient and effective conservation measures. This, when successful, can help balance the needs of different users with the protection of the marine environment, whilst capturing and voicing local attitudes and opinions. Buy-in from some communities and stakeholders is difficult to ascertain, especially when they are restricted from sites. A project called 'Community Voice Method'<sup>21</sup> initiated by the Marine Conservation Society has been used by two IFCAs to reduce conflict confrontation, and to catalogue and effectively report on shared values and diverse views from stakeholders [27]. Individuals are filmed, responses catalogued, and edited films are played back to communities during facilitated meetings. The method provides meetings where emotions are calmer, and stakeholders feel listened to, and where – often – there is greater agreement than conflict. The Marine Conservation Society has developed this method with Sussex Inshore Fisheries and Conservation Authority over the management of a site used by both recreational and commercial fishermen (Kingmere MCZ).

## 2. Discussion

The evidence presented here demonstrates that in England the IFCAs have made progress towards effectively reconciling the management of inshore fisheries with the implementation of management of marine protected areas. Despite sharing (broadly) the same national legal obligations as Wales, Northern Ireland and Scotland, progress in conservation of the English inshore zone is demonstrably more developed. The reason for this is due to the local (IFCA) governance structures and local legal duties, which translate national policy into obligations at a local level.

The IFCAs in England have successfully blended the top-down approach to MPA designation, with the bottom-up approach to implementation [46]. Indeed, in the UK the IFCAs are at the forefront of balancing the diverse set of claims over marine resources, a balance that is usually achievable through the IFCA membership model of evidence-based democratic deliberation of management approaches.

The leading factors for MPA success include stakeholder

involvement, increasing communication and awareness between specific stakeholder groups, as well as ensuring appropriate enforcement and monitoring, control and surveillance [47,48], the IFCAs demonstrate these attributes, and this is evidenced by the progress made in the English inshore area. IFCAs are therefore delivering both effective and equitable management of MPAs, speaking directly to the full extent of Target 3 in the Global Biodiversity Framework.

The proposition that MPAs both can and should lead to win-win outcomes for conservation and development thus satisfying the needs of conservationists, governments, fishers, tourism operators, and local communities has become a dominant paradigm. To achieve this duality at scale, requires a systematic process of regional governance. The case studies presented here demonstrate that the successful achievement of this dual mandate is more complex than in theory [49], but that the local governance structure of the IFCAs is suited to balancing these trade-offs, when compared to other parts of the UK. Aspects of co-management and adaptive management can effectively and relatively efficiently be addressed by these bodies that can lead to improved acceptance of regulation [48].

Why IFCAs are well suited to deliver MPA network vision: 3 interconnected attributes:

i) Relevant regional knowledge (evidence providers and understanding of local context). IFCAs collect and communicate up to date and context specific evidence / tailored knowledge requirements to enhance MPA legitimacy amongst stakeholders (e.g. HPMA impact assessment on Holy Island).

ii) Effective engagement and inclusive deliberative platforms: Stakeholder networks and relationships/ facilitators (example HPMA Holy Island, Sussex nearshore trawling byelaw)

iii) Empowered policy deliverers / legislative powers to design, deliver and enforce: Ownership over the whole process (e.g. revised approach of fishing using bottom towed gears in MPAs since 2012).

Our research demonstrates the value of the three key elements of co-management identified by Pieraccini and Cardwell [50]: Empowerment, inclusiveness of membership, and procedures allowing self-nomination in delivering effective MPA management and the management results are illustrative of the consequence of these factors being more developed in England than they are in the other devolved administrations. Furthermore, the research demonstrates the consequences, as identified by Terry [29] that the fundamental weakness in the adoption of 2009 Act in Wales was the failure to create enforceable IFCA-style duties and that this has resulted in stalled progress with respect to fisheries, and marine conservation management.

Notwithstanding the progress made in England challenges remain, whilst we set out a case to demonstrate that the systems and governance have allowed for a more effective implementation of the MPA networks, more generally the politics of UKs withdrawal from the European Union raised expectations as to the future opportunities as an independent coastal state that have yet to be realised [22]. Whilst progress is underway through the development of Fisheries Management Plans it remains the case that outside of 6 nm of the English Coast and in much of the rest of the UK there are few controls on fishing effort for the most important species for inshore fishers [51]. Today the inshore fishing fleet faces significant economic challenges associated with reduction in fishing opportunities; this is compounded in certain instances by the increasing management of marine protected areas for conservation purposes. This all has bearing on the definition of 'low impact' fishing in the inshore sector, the sustainability of these small businesses, and whether the UK wants to achieve an effective balance between low-impact fishing and nature conservation in the long term [35].

Expectations of IFCAs have been heightened since the UK withdrawal from the EU, but in over a decade of austerity since the IFCAs were formed (and in common with elsewhere in the UK government), budgets have diminished, and resources reduced. IFCAs now receive just 20 % of the central governments' assessment of their 'new burdens' needs (the additional responsibilities of implementing a network of well

<sup>21</sup> <https://www.mcsuk.org/ocean-emergency/people-and-the-sea/community-voice-method/>

managed MPAs). Moreover, site condition assessments and even site verification surveys by the SNCBs are being replaced by generic assessment and proxy indicators. The effect of this is twofold 1) assessments fail to clearly articulate the benefits of well managed sites; as whilst the pressures are removed it is not possible to elucidate the benefits and, 2) to reduce trust in the data; and ultimately the validity of the decision-making process.

### 2.1. The future

As the UK addresses the responsibilities of being an independent state outside the EU, and deals with the cost of the Covid-19 pandemic and the war in Ukraine, there are difficulties of funding and resourcing the 10 IFCAs. They cost central government less than £3 million a year to fund. In most cases local authorities pay less for the IFCAs than they did for the SFCs they replaced. However, as budgets are cut in real terms, the resources of IFCAs are similarly cut. Since they are a statutory body with duties to manage MPAs, they are now finding it increasingly difficult to do their most fundamental work: reviewing and creating new byelaws, enforcement on the water, and science, all whilst maintaining office space and a fleet of operational survey, science and enforcement vessels.

This comes at a time when the UK government is beginning implementing Fisheries Management Plans to deliver its commitments under the Fisheries Act 2020. Whilst the UK Governments fisheries function pivots from delivering against the objectives set out in the EUs Common Fisheries Policy to those set out by domestic policy, there is a real risk that the lessons learnt from the evolution of inshore fisheries management in England are lost [35]. There is, after all, a reason why England retains one of the largest inshore fishing fleets in Europe whilst today having a system for systematically managing fishing in MPAs. That can be directly traced to the management of these fisheries by local government over this period.

As a body, IFCAs have delivered ecosystem-based fisheries management in the last 12 years – a body that is suitable for delivery of active management in MPAs [52]. IFCAs need the resource necessary to continue to operate to ensure sustainable fishing can occur in England's inshore waters for generations to come.

### CRedit authorship contribution statement

**Jean-Luc Solandt:** Writing – review & editing, Writing – original draft, Supervision, Project administration, Methodology, Investigation, Funding acquisition, Data curation, Conceptualization. **Sarah Coulthard:** Writing – review & editing, Writing – original draft, Visualization, Methodology, Investigation. **Robert Clark:** Writing – review & editing, Writing – original draft, Validation, Methodology, Investigation, Conceptualization.

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### Data Availability

Data will be made available on request.

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# Inshore Fisheries and Conservation Authorities: Fisheries regulator or environmental backstop? The complexities of section 153 Marine & Coastal Access Act 2009

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## Abstract

Since the introduction of the Marine and Coastal Access Act 2009 ('MCAA'), fishing within England's inshore marine area has been managed by Inshore Fisheries and Conservation Authorities (IFCAs). The powers and duties of IFCAs are contained in section 153 of MCAA and include a conservation remit; requiring IFCAs to have regard to the sustainability of fisheries activities and to conservation of the inshore marine environment. The inclusion of conservation in the name of these bodies and references to sustainability in their duties leads to questions as to the scope of IFCAs' remit in relation to conservation. An examination of the parameters of section 153 suggests that the conservation that IFCAs can concern themselves with must relate to the management of fisheries activities, although the precise extent of this duty is not always clear. At the same time, examples from recent IFCA experiences, suggest that some stakeholders are interpreting the conservation duty much wider and viewing IFCAs as a broad conservation authority for the inshore marine area, thereby placing increased pressure on the organisations. The tension this mismatch creates must be carefully navigated by IFCAs if they are to remain within the bounds of the powers given to them by MCAA.

## Keywords

Fisheries, inshore fisheries, fisheries management, sustainable fisheries

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## Introduction

Since the introduction of the Marine and Coastal Access Act 2009 ('MCAA'), fishing within England's inshore marine area<sup>1</sup> has been managed by Inshore Fisheries and Conservation Authorities ('IFCAs').<sup>2</sup> The ten IFCAs are statutory bodies established to manage the exploitation of fisheries resources with their district. MCAA also gave these bodies a conservation remit, requiring them to have regard to the sustainability of fisheries and the inshore marine environment and including explicit conservation elements within the statutory duties. At the same time the categories of people involved in inshore fisheries management were broadened to include recreational fishing interests, conservation interests and other interests related to fishing and the marine environment.

As IFCAs have matured in the intervening fourteen years, they are under continued pressure to take on an ever-widening remit in the name of conservation. However, as statutory bodies, they must continue to stay aware of (and within) the extent of their statutory powers in order to avoid legal challenge. This paper will examine the extent of the statutory powers of IFCAs in part 2, before considering the current demands being made of IFCAs by marine stakeholders and other regulatory bodies in relation to conservation issues within their districts in part 3 and how these demands align (or otherwise) with the extent of the statutory powers. Part 4 will consider how the gap between the positions identified in parts 2 and 3 may have arisen, arguing that IFCAs appear to often be viewed by stakeholders and the general public as a general conservation authority for the inshore marine area, which is not fully supported by their statutory remit.

## Legal basis

Taking the place of Sea Fisheries Committees, IFCAs are part of a new regulatory model introduced by MCAA and designed to address the recognised need for integrated fisheries and environmental management.<sup>3</sup> IFCAs were created to meet an identified need for the adoption of an ecosystem approach in order to provide more sustainable inshore fisheries.<sup>4</sup> Additionally, the IFCA model was designed to involve a broader range of people in fisheries management than their predecessor Sea Fisheries Committees, in order to take account of the wide range of interests in fisheries and the marine environment.<sup>5</sup> There are currently ten IFCAs covering the length of the English coastline (including the Scilly Isles).

The government's stated vision for IFCAs was to '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'.<sup>6</sup> It is clear from this vision that there is potential for cross-over between the role of the IFCAs in relation to the marine environment, and that of other regulatory bodies, including the Marine Management Organisation ('MMO'),<sup>7</sup> the

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1. Being the area from coastal baselines out to 6 nautical miles, as well as fisheries for marine species within estuaries.

2. For Wales, sections 189 to 193 MCAA provide for the Welsh Ministers to have the power to regulate inshore fisheries in Welsh waters. While section 189 gives Welsh Ministers the power to make by order any provision in relation to Wales which an IFCA may make for its district by a byelaw made under section 155 MCAA, the Welsh Ministers are not subject to the same duties as IFCAs in England that are discussed in this paper.

3. For further details on IFCAs, see Lynda Rodwell, Jason Lowther, Charlotte Hunter, Stephen C Mangi, 'Fisheries co-management in a new era of marine policy in the UK: A preliminary assessment of stakeholder perceptions' (2014) 45 *Marine Policy* 279–286.

4. Department for Environment Farming and Rural Affairs, *Safeguarding our seas: a strategy for the conservation and sustainable development of our marine environment* (2002)

5. See Rodwell *et al.*, above n. 3 at p. 2.

6. Association of Inshore Fisheries and Conservation Authorities, 'Defra guidance to the IFCAs' (undated) <https://www.association-ifca.org.uk/about-us/> (all websites last accessed 25 July 2024).

7. The MMO was also established under MCAA, and its role is to manage England's marine environment (including both territorial waters and the Exclusive Economic Zone). This role includes various functions related to fishing, as well as functions related to other uses of the marine environment.

Environment Agency,<sup>8</sup> Natural England<sup>9</sup> and the Maritime and Coastguard Agency.<sup>10</sup> MCAA demarcates the remit of IFCAs in this sea of regulators through section 153, which imposes on each of the 10 IFCAs a duty to ‘manage the exploitation of sea fisheries resources’ in their districts<sup>11</sup> and in doing so, to follow the four requirements of section 153(2), which are shown in Box 1.

**Box 1: Extract of Marine and Coastal Access Act 2009, section 153**

153 Management of inshore fisheries

1. The authority for an IFC district must manage the exploitation of sea fisheries resources in that district.
2. In performing its duty under subsection (1), the authority for an IFC district must—
  - (a) seek to ensure that the exploitation of sea fisheries resources is carried out in a sustainable way,
  - (b) seek to balance the social and economic benefits of exploiting the sea fisheries resources of the district with the need to protect the marine environment from, or promote its recovery from, the effects of such exploitation,
  - (c) take any other steps which in the authority’s opinion are necessary or expedient for the purpose of making a contribution to the achievement of sustainable development, and
  - (d) seek to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the district.

The inclusion of conservation in the name of IFCAs and references to ‘sustainability’ and ‘[protection] of the marine environment’ in the duty of IFCAs leads to questions as to the extent of IFCAs’ remit in relation to conservation and also how this remit might fit with the duties of other bodies responsible for regulation of elements of the marine environment.<sup>12</sup> While IFCAs are bodies set up to manage inshore fisheries, clearly the marine environment is a complex ecosystem and many different non-fisheries activities within that environment will have an impact on fisheries resources. This has led some stakeholders to seek IFCA input and involvement in areas that do not directly relate to fisheries, some of which will be discussed in part three below. Acting outside of their statutory remit will leave IFCAs open to legal challenge and so it is important to understand the extent of that remit and what kind of activities might fall outside it.

### *The primary duty of IFCAs*

As noted above, the primary duty of IFCAs is found in section 153(1) MCAA: to manage the exploitation of sea fisheries resources<sup>13</sup> in their respective districts.<sup>14</sup> Section 153(12) provides some guidance as to how the phrase ‘exploitation of sea fisheries resources’ should be interpreted:

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8. The Environment Agency is a non-departmental public body established under the Environment Act 1995 to protect and improve England’s natural environment. This responsibility extends to inland rivers and non-tidal areas of estuaries, as well as to freshwater migratory fish such as salmonids.
  9. Natural England was established under the Natural Environment and Rural Communities Act 1996 and is responsible for the administration of nature conservation in England, as well as acting as the government’s advisor on the natural environment in England.
  10. The MCA is an executive agency of the Department for Transport. It is responsible for maritime safety in UK waters.
  11. Section 153(1), Marine and Coastal Access Act 2009.
  12. Suzanne Boyes and Michael Elliot, ‘The excessive complexity of national marine governance systems – Has this decreased in England since the introduction of the Marine and Coastal Access Act 2009?’ (2015) 51 *Marine Policy* 57–65, 62.
  13. ‘Sea fisheries resources’ are widely defined to encompass ‘any animals or plants, other than [migratory fish], that habitually live in the sea, including those that are cultivated in the sea’ (section 153(10) MCAA).
  14. Section 154 MCAA also places a duty on IFCAs to ‘seek to ensure that the conservation objectives of any [marine conservation zone] in [its] district are furthered’. A consideration of this duty is beyond the scope of the current paper.

Any reference in this Chapter to the ‘exploitation’ of sea fisheries resources is a reference to any activity relating to the exploitation of such resources, whether carried out for commercial purposes or otherwise, including—

- (a) fishing for, taking, retaining on board, trans-shipping, landing, transporting or storing such resources,
- (b) selling, displaying, exposing or offering for sale or possessing such resources, and
- (c) introducing such resources to the sea or cultivating such resources.

While this is a non-exhaustive list, the activities included within it are all activities that are *aimed at* the exploitation of sea fisheries resources in question. Thus, to be capable of being managed by an IFCA, it appears that an activity must be something more focused than simply any activity that incidentally involves sea fisheries resources in some way.

The Oxford English Dictionary definition of ‘exploitation’ is consistent with a focus on activities aimed at the resources in question, being ‘[t]he action of extracting or harvesting natural resources from a place’ and ‘the action of deriving value from a natural resource by harvesting.’<sup>15</sup> However, the examples in section 153(12) arguably go further than this. For example, ‘introducing [sea fisheries] resources to the sea,’ contained in section 153(12)(c), does not fall within the remit of harvesting or extracting natural resources. Additionally, many fishing methods involve some element of bycatch leading to fishers ‘taking’ and (at least for some time) ‘retaining on board’ fish that they are not able to land and so cannot derive value from. It appears to be settled IFCA practice to regulate bycatch where it derives from fishing activities, such as a requirement for escape gaps in lobster and crab pots to allow undersized shellfish to escape the pots and not be harvested or extracted.<sup>16</sup>

If the term ‘exploitation’ in the primary duty of IFCA is therefore to be interpreted as wider than the dictionary definition of the term, the question then becomes, how wide? The limit of the duty in section 153(1) needs to be determined. In legal advice taken by Devon and Severn IFCA (‘D&S IFCA’), counsel suggested that the duty to ‘manage the exploitation of sea fisheries resources’ should be interpreted narrowly as a requirement to manage activities ‘directed at, or targeted at, [sea fisheries] resources.’<sup>17</sup> This appears to accord with existing IFCA practice. A review of the extant byelaws for IFCA<sup>18</sup> revealed a number of byelaws that would be capable of applying to non-fishing activities. For example, D&S IFCA’s Byelaw 11 (Deposit of Refuse) prohibits the ‘deposit or discharge [of] any solid or liquid substance detrimental to seafish or sea fishing...’,<sup>19</sup> in a similarly wide vein, Kent & Essex IFCA’s Cockle Fishery Flexible Permit Byelaw provides that ‘no person shall harvest or disturb cockles other than in accordance with’ a relevant permit.<sup>20</sup> However, despite all IFCA having at least one byelaw that is worded widely enough to be capable of applying to some non-fishing activities, the publicly available enforcement information does not include any examples of action taken in respect of any of their byelaws in connection with any non-fishing activity.

15 Oxford English Dictionary, <<https://www.oed.com/view/Entry/66651>>.

16. For example: Devon & Severn IFCA, *Potting Byelaw Permit Conditions*, 2.1–2.2 <<https://www.devonandsevernifca.gov.uk/enforcement-and-legislation/current-permit-byelaws-permit-conditions>>; Sussex IFCA, *Shellfish Permit Byelaw 2015*, paragraph 32 <<https://www.sussex-ifca.gov.uk/regulations>>.

17. Advice from Counsel addressed to Devon & Severn IFCA, 1 June 2016.

18. As at June 2023.

19. Devon & Severn IFCA, *Byelaw Booklet* (December 2020). <<https://www.devonandsevernifca.gov.uk/enforcement-and-legislation/ds-ifca-byelaw-book-and-minimum-conservation-reference-size-list/>>.

20. Kent & Essex IFCA, *Cockle Fishery Flexible Permit Byelaw* (10 February 2015) <<https://www.kentandessex-ifca.gov.uk/website-content/cockle-fishery-flexible-permit-byelaw-1646404429.pdf>>; see also *Morge v Hampshire County Council* [2011] UKSC 2 for a detailed consideration of the interpretation of the term ‘disturbance’ in the context of nature conservation and the Habitats Directive 92/43/EEC, which would not suggest any particular limit on the types of activity that could fall within the term.

The suggestion that IFCA's can only regulate activities 'directed or targeted at sea fisheries resources' also appears to align with the government's intentions for IFCA's. While the Department for Environment Food and Rural Affairs ('Defra') confirmed in the debate on the Marine Bill, which became MCAA, that the exploitation of sea fisheries resources 'is more than merely managing fish,'<sup>21</sup> the duty was clearly intended to be delimited in some way to fisheries. In an unequivocal indication of the government's vision for the place of IFCA's within the regulatory framework of the marine environment, it was confirmed during debate on byelaw powers that the MMO would be expected to 'regulate threats to nature conservation from non-fishery-related activity', while 'IFCA's will be regulating threats from fishing activity within their district.'<sup>22</sup>

The clarity of this statement is muddled somewhat by the explanatory notes to MCAA. In a section giving guidance on section 153 MCAA, the notes state:

IFCA authorities will be able to apply precautionary measures and use an ecosystem-based approach in order to fulfil their main duty. Precautionary measures in this context means that the absence of adequate scientific information should not be used as a reason for postponing or failing to take management measures to conserve target species, associated or dependent species and non-target species and their environment. The ecosystem-based approach in this context means that the capacity of the aquatic ecosystems to produce food, revenues, employment and, more generally, other essential services and livelihood, is maintained indefinitely for the benefit of present and future generations.<sup>23</sup>

The references to conserving the environment of target and non-target species and to the use of the ecosystem approach to ensure that aquatic ecosystems are maintained perhaps indicates a wider scope for management focus than simply activities directed or targeted at sea fisheries resources. Indeed, this explanatory note appears to expand the focus of the IFCA's duty from simply 'threats from fishing activity' to include threats to the marine environment and threats to fishing activity. While the explanatory notes to MCAA (just like for any Act) have not been endorsed by Parliament, they do provide an indication of how the department in charge of IFCA's (Defra) views the management duty of IFCA's.

### *The balancing factors*

The primary duty in section 153 to manage the exploitation of sea fisheries resources is supplemented by section 153(2) MCAA, which sets out the factors that an IFCA should consider when implementing its primary duty.<sup>24</sup> In determining the extent of the IFCA's powers in the marine environment, it is appropriate to consider the impact of these balancing factors and how they sit with the primary duty. For example, could it be argued that section 153(2)(c) (which requires IFCA's to 'take any other steps which... are necessary or expedient for the purpose of making a contribution to sustainable development') is broad enough to enable IFCA's to involve themselves in any activities in the marine environment provided their motivation is to contribute to sustainable development?

The drafting of section 153(2) states that the matters set out at subsections (a) to (d) are elements that an IFCA must consider 'in performing its duty under [section 153(1)]'. Thus section 153(2) and the balancing

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21. Marine and Coastal Access Bill Deb 7 July 2009, col 180 (Huw Irranca Davies MP as Parliamentary Under-Secretary for Environment, Food and Rural Affairs).

22. Marine and Coastal Access Bill Deb 16 March 2009, col 58 (Lord Hunt of Kings Heath as Minister of State, Department of Energy and Climate Change & Department for Environment, Food and Rural Affairs).

23. Marine and Coastal Access Act 2009, Explanatory Notes, Paragraph 435 <<https://www.legislation.gov.uk/ukpga/2009/23/notes/contents>>.

24. See Box 1 for the full text of section 153(2) MCAA.

factors are expressly linked to the primary duty in section 153(1) to manage the exploitation of sea fisheries resources, making it unlikely that Parliament intended section 153(2) to widen the remit of section 153(1). In addition, the rules of statutory interpretation require an Act to be read as a whole and thus provisions within an Act to be interpreted within the context of that Act.<sup>25</sup> Interpreting section 153 as a whole section, it is unlikely that a court would interpret Parliament as intending the balancing factors set out in subsection (2) to widen the primary duty clearly set out in subsection (1). Furthermore, interpreting section 153 in the context of MCAA as a whole, Parliament clearly intended IFCAs to be responsible solely for fisheries management, while the MMO was given much wider conservation powers as the overall marine regulator.

This is not to say that the balancing factors within section 153(2) must be interpreted narrowly. While the extent of IFCAs' duties in the marine environment have not been tested in court, general principles on the interpretation of the statutory powers of public bodies suggest that not only would courts be 'very slow to interfere' with statutory bodies 'fulfilling the intentions of Parliament in a specialist sphere',<sup>26</sup> but also that whatever may fairly be regarded as incidental to or consequential upon authorised activities will be within the *vires* of that body.<sup>27</sup> This means that IFCAs can undertake actions that are reasonably incidental or ancillary to their statutory powers.<sup>28</sup> However, such actions can only be undertaken to achieve the body's primary statutory purpose and cannot be used in an attempt to extend the primary statutory purpose or powers granted to the body.<sup>29</sup> The primary statutory purpose of IFCAs is to manage the exploitation of fisheries resources within their district. Thus, only actions that are reasonably incidental or ancillary to this purpose will be *intra vires*.

This conclusion aligns with the government's vision for IFCAs brought out during the Parliamentary debate on the Marine and Coastal Access Bill. In response to an attempt to impose a broad conservation duty on IFCAs, Lord Hunt of Kings Heath (on behalf of the government) opposed the attempt in the following terms:

In terms of a duty to further conservation, I know there are those who think that such a duty should be added to help to drive the transformation of sea fisheries committees into inshore fisheries and conservation authorities. The Government do not agree... Our problem is that placing an explicit duty on IFCAs to further the conservation of the marine environment outside marine conservation zones would fundamentally alter and unbalance their primary duty to manage the exploitation of sea fisheries resources in a sustainable way.<sup>30</sup>

In line with the general principles of statutory interpretation, this comment suggests that conservation and sustainability work of IFCAs should be exclusively related to the exploitation of sea fisheries resources rather than related simply to any activities in the marine environment.

25. *Daymond v South West Water Authority* [1976] AC 609, 652 (per Lord Kilbrandon); *Lumsden v Commissioners of Inland Revenue* [1914] AC 877924 (per Lord Parmoor); *Statutes and Legislative Process* (Volume 96, 2018) Halsbury's Laws of England, para 808.

26. *R. v Social Fund Inspector Ex parte Ali (Waris)* (1994) 6 Admin. L.R. 205 per Brooke J. at 210E-F.

27. *Attorney General v Great Eastern Railway* (1880) 5 App Cas 473.

28. Note the restrictive approach taken in *Ward v Metropolitan Police Commissioner* [2005] UKHL 32 in which Baroness Hale (para. 24) stated: 'It is not sufficient that [such actions] be sensible or desirable. The implication has to be necessary in order to make the statutory power effective to achieve its purpose.'

29. *Credit Suisse v Allerdale Borough Council* [1998] 4 All ER 129 per Neill LJ at 149, finding that incidental powers expressly granted to the local authority could not allow the authority to exceed its statutory powers; *Attorney-General v Fullham Corporation* [1921] 1 Ch. 440 per Sargant J at 450.

30. HL Deb 19 May 2009, cols 1337–1338.

## A sea of regulators

Part of the reasoning behind restricting IFCA duties and powers to the exploitation of sea fisheries resources is likely to be the large number of other regulators in the marine space and the need to limit overlap between these regulators in order to provide clarity and efficient use of limited public funds. MCAA established the MMO as the primary statutory body to manage England's marine environment (including both territorial waters and the Exclusive Economic Zone). This role includes various functions related to fishing, as well as functions related to other uses of the marine environment. As regards the fisheries function, one requirement is that the MMO must appoint members to an IFCA<sup>31</sup> who are 'acquainted with the needs and opinions of the fishing community of the district', as well as those with 'knowledge of, or expertise in, marine environmental matters'.<sup>32</sup> These appointees, along with members of the relevant local councils which have an adjacent coastline to the IFCA area and an appointee of the MMO, Environment Agency ('EA') and of Natural England ('NE'),<sup>33</sup> make up each IFCA. The standard inclusion of the MMO, EA and NE reflects the need for IFCAs to take decisions, including those related to Bylaw and enforcement powers, based on evidence and appropriate expert advice.<sup>34</sup> Of course, the EA, NE and other bodies, such as planning authorities and the Marine and Coastguard Agency ('MCA') have their own imperatives outside of the IFCAs' fisheries-related scope, and these are outlined below in order to illustrate the potential cross-over with IFCA functions.

### Marine management organisation

With respect to MMO functions that intersect directly with IFCA responsibilities, beyond fisheries, the marine licensing regime is perhaps the most significant. Part 4 of MCAA governs the licensing procedure and requires that interventions classed as licensable marine activities are conducted in accordance with a licence.<sup>35</sup> Broadly the regime is concerned with the placing on or removal of materials from the sea bed, creating a prohibition on such activities unless acting in accordance with the licence conditions. In determining an application for a marine licence, and any conditions attached to it, the MMO '...must have regard to the need to protect the environment<sup>36</sup>...human health'<sup>37</sup> and 'the need to prevent interference with legitimate uses of the sea',<sup>38</sup> as well as other matters considered relevant by it. Interested parties may make representations, to which the MMO is bound to have regard,<sup>39</sup> and in doing so it may consult with bodies with specific expertise in both general and specific matters relating to the application<sup>40</sup> (which can include the relevant IFCA for an application site, where applicable) and should provide the applicant with an opportunity to make representations in respect of any observations made.<sup>41</sup>

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31. Section 151(1) Marine and Coastal Access Act 2009.

32. Section 151(2) Marine and Coastal Access Act 2009.

33. Applicable to all IFCAs with the exception of The Isles of Scilly, pursuant to The Isles of Scilly Inshore Fisheries and Conservation Order 2010 (SI 2010/2213). For context the relevant instrument for Devon and Severn is The Devon and Severn Inshore Fisheries and Conservation Order 2010 (SI 2010/2212).

34. See, for example, Defra, *Inshore Fisheries and Conservation Authorities Conduct and Operation 2014–2018* (2019) <<https://assets.publishing.service.gov.uk/media/5f64847cd3bf7f7235427e21/ifca-conduct-operation-2014-2018.pdf>>.

35. Sections 65–66 Marine and Coastal Access Act 2009.

36. Section 69(1)(a) Marine and Coastal Access Act 2009.

37. Section 69(1)(b) Marine and Coastal Access Act 2009.

38. Section 69(1)(c) Marine and Coastal Access Act 2009.

39. Sections 69(3) Marine and Coastal Access Act 2009.

40. Section 69(4)(a-b) Marine and Coastal Access Act 2009.

41. Section 69(5) Marine and Coastal Access Act 2009.

### Environment agency

Created by the Environment Act 1995 (the ‘1995 Act’), the EA’s principal aim is ‘...to protect or enhance the environment taken as a whole [so] as to make the contribution to achieving the objective of achieving sustainable development...’.<sup>42</sup> It has territorial responsibility within England for the majority of its functions. The holistic focus of a single environmental regulator consolidated a host of – although not all – responsibilities, previously the focus of several regulators, within one organisation. So far as is relevant to this article, broadly, Part 1A of the 1995 Act applies regulatory functions upon the EA in respect of pollution control, the management of water resources and water quality, as well as environmental duties in respect of sites of special scientific interest.<sup>43</sup> The geographical application of its duties, which include conservation and enhancement of the natural environment, extends to coastal waters by virtue of s.6 of the 1995 Act.

In addition to its general functions applicable to coastal waters, the EA has obligations in respect of certain fisheries, which overlap with the territorial scope of the IFCAs. The Salmon and Freshwater Fisheries Act 1975 imposes duties for the management of anadromous and catadromous species,<sup>44</sup> and grants powers to make Bylaws to facilitate the management objectives. Aside from these specific fisheries, the EA has other general powers and duties relating to responsibility for inshore fisheries management.

At the time of writing, the EA is the subject of sustained scrutiny concerning its effectiveness in securing water quality, both inland and coastal.<sup>45</sup> The EA’s, oft-repeated, claim that water quality in British rivers is better than that subsequent to the Industrial Revolution, has been interrogated and a conclusion drawn that progress is mixed.<sup>46</sup> The Environment Audit Committee, in its 2022 Report on Water Quality in Rivers,<sup>47</sup> was more robust, noting that it ‘is clear that rivers in England are a mess’;<sup>48</sup> and that was in part, although not wholly, due to complacency from regulators in respect of sewage and agricultural pollution, which naturally has downstream effects in estuarine and coastal waters.<sup>49</sup>

42. Section 4(1) Environment Act 1995.

43. Sections 5–9 Environment Act 1995. The EA has multiple additional and specific functions as contained in the 1995 Act.

44. Section 41(1) Salmon and Freshwater Fisheries Act 1975, as amended. The former including salmon, migratory trout and char; the latter, eels.

45. See, for example, the spectrum of media reporting between Sandre Laville, ‘Shocking state of English rivers revealed as all of them fail pollution tests’, 2020 (Guardian, London 17 September 2020) available at <<https://www.theguardian.com/environment/2020/sep/17/rivers-in-england-fail-pollution-tests-due-to-sewage-and-chemicals>>; and Helena Horton and Sandra Laville, ‘Forever chemicals’ mean England’s waters will miss pollution targets for decades’, 2023, (Guardian, London, 24 February 2023) available at <<https://www.theguardian.com/environment/2023/feb/24/pfas-england-waters-not-meet-pollution-targets-by-2027#:~:text=The%20government%20is%20investigating%20and,forever%20chemicals%E2%80%9D%20in%20our%20rivers>>.

46. See, for example, Mick Whelan, Conor Linstead, Fred Worrall, Steve J. Ormerod, Isabelle Durance, Andrew C Johnson, Dave Johnson, Mark Owen, Emma Wiik, Nicholas Howden, Timothy Burt, Alistair Bruce Alleyne Boxall, Colin David Brown, David Oliver and Dave Tickner ‘Is water quality in British rivers ‘better than at any time since the end of the Industrial Revolution?’ (2022) 843 *Science of the Total Environment*, 157014. <<https://doi.org/10.1016/j.scitotenv.2022.157014>>.

47. House of Commons Environmental Audit Committee, ‘Water Quality in Rivers (Fourth Report of session 2021-2022)’, HC74, 2022. Available at, <<https://committees.parliament.uk/publications/8460/documents/88412/default/>>.

48. Page 5

49. See, for example, related Report content in paragraphs 30, 50, 61 and 110. Recent litigation to redress deficiencies has included both (limited) criminal prosecutions – albeit with significant penalties – and more targeted judicial reviews, principally concerning planning decisions for residential and agricultural projects in pollution-stressed catchments. For further details see B. Coupland, Joanne Sellick, Jason Lowther ‘River water quality in agricultural areas: *R (Sahota) v Herefordshire Council and another*’ (2023) 32(5) *Environmental Law and Management* 162; (2023) 27 *Journal of Water Law*, 217; and

N. Zubowicz, Jason Lowther and Joanne Sellick ‘Failures in regulating discharges of untreated sewage into rivers, *R (Wild Justice) v Water Services Regulation Authority*’, (2023) 32(5) *Environmental Law and Management*, 165; (2023), 27 *Journal of Water Law*, 220. Most recently, the (unanimous) decision of the Supreme Court in *Manchester Ship Canal Company Ltd v United Utilities Water Ltd (No. 2)* [2024] UKSC 22 has opened up the possibility of nuisance or trespass liabilities – absent

### *Natural England*

NE, established by virtue of the Natural Environment and Communities Act 2006 ('NERC'),<sup>50</sup> is the principal regulator tasked, broadly, with the protection and enhancement of the natural environment. Its general purpose is set out in s.2(1) NERC, 'to ensure that the natural environment is conserved, enhanced or managed for the benefit of future generations thereby contributing to sustainable development'.<sup>51</sup> An amendment made by MCAA applies the exercise of NE's functions to the territorial sea adjacent to England where relevant,<sup>52</sup> meaning that NE's powers and duties occur in the same space as those of the IFCA. In addition, to its advisory/consultative role with the IFCA, NE has a role in the designation and management of foreshore and coastal SSSIs as well as sites designated pursuant to the Conservation of Habitats and Species Regulations 2017 (as amended).<sup>53</sup>

### *Maritime and coastguard agency*

The Maritime and Coastguard Agency ('MCA') is an executive agency of the Department of Transport, tasked with maritime safety and the implementation of international maritime law. It has broad responsibilities for protecting the safety of life at sea, including by reference to navigational safety and the prevention of marine pollution. In a fisheries context, both aspects are germane. In respect of vessels which are less than 15 m, which would include the inshore fleet,<sup>54</sup> the MCA manages a code of practice for the safety of fishing vessels and conducts inspection and registration in that regard. Further in the context of safety, the MCA prescribes certain requirements in respect of gear marking, for both beam trawls and passive gear.<sup>55</sup> Essentially, the requirements impose obligations on the fisher to mark the gear with port letter and number details and to indicate the presence of such gear with a marker buoy and is supplemented by detail from the MMO.<sup>56</sup> Pollution control functions are undertaken in conjunction with the MMO, with the latter advising in respect fisheries activity in the area of a pollution incident.<sup>57</sup>

### *Summary*

The drafting of s.153 duty does pose some potential for misunderstanding of its scope. It is arguably unclear to the extent that its parameters are not tightly defined. In such circumstances the presence of other regulatory obligations as additional layers within the IFCA's operational area contributes to potential confusion. The main and guiding principle, though, would appear to be that any activity which the IFCA undertakes or is

any negligence – to the holders of riparian rights for sewerage undertakers discharging sewage effluent into watercourses. The Supreme Court's judgment distinguished the House of Lords decision in *Marcic v Thames Water Utilities Ltd* [2003] UKHL 66, which placed a limit on private law claims for such discharges on land, given the statutory scheme of the Water Industry Act 1991. While beyond the scope of this article, the recognition that sewage pollution occupies a special place in the current zeitgeist is captured in the Environmental Law Foundation's commentary on the judgment, available at <<https://elflaw.org/news/water-companies-could-face-raft-of-legal-challenges-after-landmark-sewage-ruling/>>.

50. Section 1(4) Natural Environment and Rural Communities Act 2006 both dissolved and transferred the powers to NE of the previous regulators, English Nature and the Countryside Agency.
51. The content of that general purpose is elaborated further in section 2(2) Natural Environment and Rural Communities Act 2006.
52. Section 311(2) Marine and Coastal Access Act.
53. The Conservation of Habitats and Species Regulations 2017 (SI 2017/1012).
54. The industry classifications are for vessels 10 metres or under (u-10s) and over 10 metres. Usually the u-10s tend to fish closer to the shore and are more likely to come within IFCA regulation.
55. Passive gear including set nets, drift nets, pots, traps and long lines.
56. See MMO 'Marking of fishing gear, retrieval and notification of lost gear' (24 June 2016) <<https://www.gov.uk/guidance/markings-of-fishing-gear-retrieval-and-notification-of-lost-gear#retrieval-of-lost-fishing-gear>>.
57. See here the protocols set out in MMO, 'How we respond to marine pollution incidents' (5 August 2014) <<https://www.gov.uk/guidance/how-we-respond-to-marine-pollution-incidents>>.

required to undertake must be directed or targeted at the exploitation and maintenance of sea fisheries resources. A close and narrow interpretation of the caveat would appear key to ensuring that IFCA is not over-stretched by requests to become involved in issues which are beyond its statutory purpose, particularly given the focus upon sustainable use of resources which is a common theme to the majority of the regulators.

## What is happening in practice?

While the statutory duty of IFCAs is limited to managing the exploitation of sea fisheries resources and actions that are reasonably incidental or ancillary to that exploitation, the boundaries of this duty are being constantly tested. Using D&S IFCA as a case study, four examples are explored in this section to show the wide range of activities IFCAs are being asked or expected to regulate and the difficulties faced in interpreting section 153 to determine whether action by an IFCA would be appropriate.

### Vivier boats

Vivier boats are larger potting vessels (although still within the size limitations for most inshore areas) and so called because they are constructed with a saltwater tank within the hull, in which catches of crabs and lobsters may be stored and retained alive, potentially for several days.<sup>58</sup> The vivier tank gives such equipped vessels greater fishing time in comparison to the smaller, more traditional vessels, especially non-vivier (day) vessels. However, this distinction between the two types of potting vessels may not have had any sizeable impact on inshore fishing were it not for a confluence of factors in the wider industry.

Firstly, since 2016 the UK's shellfish potting fleet has expanded considerably, driven by increased market demand worldwide, including exports to China.<sup>59</sup> In addition, there has also been a significant expansion in the number of vivier vessels exploiting the shellfishery in EU waters since 2016, particularly a crab fishery in the German Bight.<sup>60</sup> The number of UK registered vessels in this fishery has increased from three to eleven.<sup>61</sup> Not only are these vessels equipped with vivier tanks, but, with a much greater beam, deeper draught and the ballast effect of the vivier tank all adding to stability, they are specifically designed to operate offshore and hence in rougher weather.<sup>62</sup> The greater capacity and efficiency of modern offshore vivier boats compared to traditional inshore day boats is illustrated by the fact that an offshore vivier boat can haul 1700–2000 pots per day and achieve twenty tonnes of shellfish per landing compared to 500–700 pots hauled per day and around one tonne of shellfish per landing of older, traditional boats.<sup>63</sup> Those under 15.24 m in overall length are also permitted to operate in D&S IFCA's Inshore waters, should they choose to do so.<sup>64</sup>

58. Cornwall IFCA, 'January 2023: Prosecution for berried lobsters' (12 January 2023) <<https://www.cornwall-ifca.gov.uk/blog/january-2023-prosecution-for-berried-lobsters>>.

59. D&S IFCA, *Report on the Pressures and Risks to the Crustacea Pot Fisheries in D&SIFCA's District* (Agenda Item 9 Authority Meeting 15<sup>th</sup> December 2022), p. 1. <<https://www.devonandsevernifca.gov.uk/wp-content/uploads/2023/09/AgendaItem9-RisktoStaticGearFisheriesinDSIFCADistrict.pdf>>.

60. Atlantic Crab Resource Users Network (ACRUNET), *Action 1: Outlook for European brown crab: understanding brown crab production in the UK, Republic of Ireland, France, Spain and Portugal* (June 2015), p. 10. <[http://www.acrunet.eu/images/ACRUNET/Technical\\_Reports/Activity\\_5/ACRUNET\\_Technical\\_Report\\_Activity5\\_Action1.pdf](http://www.acrunet.eu/images/ACRUNET/Technical_Reports/Activity_5/ACRUNET_Technical_Report_Activity5_Action1.pdf)>.

61. See D&S IFCA above n. 59 at p. 1.

62. As a fisheries officer observed '*Fishing vessels tend to evolve in design. However the modern, offshore vivier boats are so different in design they are a revolution, not an evolution*'. Pers comm. 18 July 2023.

63. *Ibid.*

64. Under an inherited Byelaw from Devon Sea Fisheries Committee (Byelaw No.18 – Size of Vessels); <<https://www.devonandsevernifca.gov.uk/enforcement-and-legislation/ds-ifca-byelaw-book-and-minimum-conservation-reference-size-list/>>. At the time of writing a draft D&SIFCA Byelaw is being prepared to reduce this size limit to 14.99 m.

These two factors, combined with the UK's exit from the EU, have created a potential displacement problem of these modern vivier boats from EU waters into UK waters. The Trade and Co-operation Agreement ('TCA') between the UK and the EU stipulates the species and amounts of fish that EU and UK registered fishing vessels may catch in each other's waters.<sup>65</sup> Crab is a non-quota species ('NQS') and the permitted catch tonnage for NQS is set by reference to the years 2012–2016.<sup>66</sup> Since these years predate the expansion of the UK potting vivier fleet, it seems inevitable that the UK allocated NQS tonnage from EU waters will be inadequate to meet current fleet catch capacity, which is likely to lead to these boats seeking other grounds to exploit, including the English inshore grounds within IFCA districts.<sup>67</sup> To date, the EU and the UK have agreed not to apply the tonnage restriction for NQS but there is clear potential for this restriction to be activated.<sup>68</sup>

Shell fishers' organisations in South Devon have raised their concern that if the NQS restrictions in the TCA are activated there will be a significant displacement of these modern and more efficient vivier boats from EU waters into UK waters, both offshore and including the inshore waters of D&SIFCA.<sup>69</sup> This potential displacement has raised a myriad of concerns around the capacity of these modern vivier vessels, stock sustainability and the impact upon the current composition of the inshore shellfish industry, with worries that, if the displacement occurs, it may swamp the current, more traditional inshore fleet.

The obvious concern relates to the sustainability of the shellfish stock and that of crab in particular, since crab landings in D&S IFCA's District have been falling since 2014.<sup>70</sup> While vivier boats, with their much greater operational capacity, could exert additional pressure on shellfish stocks, concern has also been expressed as to their operational methodology. Local inshore shell fishers will make an assessment as to the condition of crab, in particular whether it has recently moulted and is 'soft shelled'. While there is a prohibition on retaining soft shelled crab, there is currently no objective mechanism for measuring this.<sup>71</sup> If a crab is in poor condition or soft shelled it will be returned to the sea, on the basis that it can be caught again in the future and it is in the long-term interest of local inshore fishers to do so. Such assessments are based upon many years of experience. This current self-regulation is likely to lead to a more sustainable fishery. Conversely, it is argued, nomadic vivier boats, provided a minimum landing size is achieved, tend to place such shellfish in the holding tank. This may lead to a higher mortality rate or rejection by wholesale buyers for human consumption, although the shellfish may still be sold profitably for use as whelk bait. Thus, it is alleged vivier boats have the capacity to engage in a less sustainable fishing methodology.

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65. UK/EU and EAEC: Trade and Cooperation Agreement [TS No.8/2021] <<https://www.gov.uk/government/publications/ukey-and-eaec-trade-and-cooperation-agreement-ts-no82021>>.

66. Trade and Cooperation Agreement, n. 63, Annex 38: Protocol on Access to Waters, Article 2(1)(b), p. 1894.

67. See D&S IFCA, above n. 59 at p. 1.

68. Scottish Government, 'European Union and the United Kingdom – fisheries consultations: written record 2023' (9 January 2023) <<https://www.gov.scot/publications/european-union-and-the-united-kingdom-fisheries-consultations-written-record-2023/pages/non-quota-stocks/>>. However, if either the EU or the UK reaches 80% of its total allocated tonnage the Parties' Delegations will meet to consider next steps.

69. See D&S IFCA, above n. 59 at p. 1.

70. Blue Marine Foundation, 'Perspectives on Crustacean Potting' (*Fishing News*, 6 April) <<https://fishingnews.co.uk/features/fisheries-science/blue-marine-foundation-perspectives-on-crustacean-potting/>>. The draft Fisheries Management Plan for Crab & Lobster acknowledges that the current high rate of exploitation exceeds Maximum Sustainable Yield; Department for Environment, Food & Rural Affairs, *Proposed Fisheries Management Plan for Crab and Lobster in English Waters – Executive Summary* (July 2023), p. 3 <<https://consult.defra.gov.uk/fisheries-management-plans-1/crab-lobster-fmp-consultation/>>.

71. Trials of a device to measure the hardness of a shell are currently underway in D&S IFCA's district (see D&S IFCA, above n. 59 at p. 3). The draft Fishery Management Plan for Crab & Lobster envisages a ban in English waters on landing soft shelled crab; Department for Environment, Food and Rural Affairs, *Proposed Fisheries Management Plan for Crab and Lobster in English Waters* (July 2023), p. 59. <<https://consult.defra.gov.uk/fisheries-management-plans-1/crab-lobster-fmp-consultation/>>.

Added to this concern is a fear of a breakdown in the very successful self-regulatory nature of shellfish potting in South Devon. The inshore potters have a self-regulatory framework, each respecting each other's 'patches' of seabed area.<sup>72</sup> In this way gear conflict between potters is avoided. Nomadic vivier boats, coming into the IFCA's District may be unaware of this collective co-management fisheries tool or unwilling to voluntarily abide by it. The enhanced potting capability of such modern vivier boats<sup>73</sup> then gives rise to gear and displacement risks to the existing inshore fleet with older vessels. For the existing fleet, each pot is connected to the next pot by a seabed rope, meaning that the pots are laid and hauled as one continuous string. Modern vivier boats can lay considerably longer strings. If a longer string is laid across a shorter string from a smaller capacity existing inshore boat, the smaller boat's gear can be dragged off and lost. This potential for gear conflict has been recognised by D&SIFCA.<sup>74</sup>

In addition, such conflict would also create a spatial displacement issue for the current inshore fleet, which would have difficulty relocating due to this self-regulatory mechanism. The Government's current Marine Spatial Prioritisation programme is seeking to understand the co-existence and use of sea space.<sup>75</sup> Fishing vessels are currently conceived as being able to go elsewhere easily, so their displacement is regarded as 'soft constraint' in a marine spatial context, as opposed to the 'hard constraint' of cables, mariculture and marine structures.<sup>76</sup> However, given this potential spatial squeeze upon traditional inshore potting vessels, with inshore fishers leaving the shellfish industry due to displacement, competition and loss of business opportunities, perhaps the time has come to regard such potential displacement as a hard constraint upon displacement and afford it a corresponding weight in the decision-making process by regulators.

Finally, undoubtedly underlying these operational concerns is the socio-economic concern that the vivier boats are operationally (and therefore economically) more efficient, making the current inshore boats financially unviable. In the case of the smaller inshore day boats this could be particularly the case, radically altering the socio-economic model within the local coastal communities (and also the socio-cultural model).<sup>77</sup> These socio-economic impacts would be driven by the fact that there would be fewer boats operating in the fishery, thereby reducing demand for employment as crew and associated supply and support services, such as maintenance services. Moreover, given that these modern offshore vivier boats are nomadic in nature, what demand for crew and support services exists may not be drawn on a regular basis from the local coastal economy in the way that it is presently. This concern appears not to be a theoretical one, with reports made to D&SIFCA that existing inshore potters in Cornwall are

72. South Devon Inshore Potting Agreement <<https://www.devonandsevernifca.gov.uk/enforcement-and-legislation/south-devon-ipa-trawling-crabbing-chart/>>.

73. See, for example, Tegen Mor Fisheries Consultants Limited, *Strategic review of fish and shellfish landing and storage facilities at Weymouth* (21 February 2018), p. 10 <<https://www.weymouth-harbour.co.uk/fcimages/files/Weymouth%20Fishing%20Facilities%20Report%20April%202018.pdf>>.

74. See D&S IFCA, above n. 59 at pp. 1-2.

75. Rebecca Pow MP, Keynote Speech at Coastal Futures 2022 (18 January 2022) <<https://www.gov.uk/government/speeches/minister-pow-keynote-speech-coastal-futures-2022#:~:text=That's%20why%20Defra%20is%20leading,and%20protecting%20the%20marine%20environment>>.

76. D&S IFCA officer, pers. comm. 18 July 2023.

77. Matt Reed, Paul Courtney, Julie Urquhart and Natalie Ross, 'Beyond fish as commodities: Understanding the socio-cultural role of inshore fisheries in England' (2013) 37 *Marine Policy* 62. See also Julie Urquhart and Tim Acott, 'A Sense of Place in Cultural Ecosystem Services: The case of Cornish fishing communities' (2014) 27(1) *Society & Natural Resources* 3.

struggling to remain financially viable as a result of competition in the inshore area due to increased effort from more efficient vivier boats.<sup>78</sup>

This issue is clear cut in the sense that it relates wholly to the exploitation of sea fisheries resources and so is squarely within the remit of section 153. However, it provides an opportunity to investigate the limits on the considerations that IFCAs can give weight to under section 153 when regulating such activities (in other words how section 153(2) can be interpreted). If the extra effort exerted upon current inshore shellfish stocks were to prove damaging to stock levels, then section 153 would quite clearly empower an IFCA to regulate such effort by introducing limits on catch effort. This could be achieved by a variety of restrictions such as limits on quantum of landings or pot capacity or days at sea in the District. However, if stock levels were to hold, notwithstanding any extra fishing effort exerted by displacement of offshore vivier vessels into inshore waters, the question then arises to what extent, if at all, an IFCA could limit this extra effort to avoid adverse socio-economic impacts on the local coastal community.

Any constraints placed upon modern, offshore vivier boats would be directed or targeted at sea fishery resources but whether such socio-economic considerations would amount to material considerations that an IFCA can take into consideration would be the focal issue. A narrow interpretation of section 153 would suggest that an IFCA cannot introduce measures to mitigate the effects of competition between more modern and efficient vivier boats and the traditional, less efficient, potting vessels, especially the ‘day’ boats. While section 153(2) contains an explicit reference to social and economic factors, this is only in the context of balancing these against sustainability.<sup>79</sup> Thus, while an IFCA can be cognisant of the overall state of the shellfish stock and introduce regulatory measures to preserve this, it cannot discriminate in terms of regulatory measures against a more efficient ‘production’ method in the form of a modern more seaworthy vivier offshore design simply on the grounds of their increased efficiency over older existing vessels, especially day boats. Accordingly, it would not be lawful under section 153 to apply regulatory measures to vivier boats alone to protect the socio-economic viability of existing inshore potting vessels utilising waters within an IFCA’s District. However, a closer examination of section 153 suggests that this interpretation may be too narrow.

Both Parliamentary debates during the passage of the Marine & Coastal Access Bill and the accompanying Explanatory Notes to MCAA provide some assistance in determining this problem. Under s. 153(2)(d), in fulfilling its primary duty to manage the exploitation of sea fisheries resources, an IFCA must ‘*seek to balance the different needs of persons engaged [in such exploitation]*’. In speaking to the clause in the Bill in the House of Lords for the Government, Lord Hunt of King’s Heath stated that IFCAs ‘*will have to make balanced judgments, not just on issues to do with fishing and exploitation of the sea but as regards different elements—if I may put it that way—of the fishing community*’.<sup>80</sup> In normal, grammatical English the phrase ‘different elements’ would not be an euphemism for ‘different sectors’,<sup>81</sup>

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78. See D&S IFCA, above n. 59 at p. 1. In December 2022, consideration was given to making an emergency byelaw to prohibit fishing for crab and lobster species within the Cornwall IFCA’s (CIFCA) district by fishing vessels over 12 m overall length with a below deck vivier tank or similar arrangement. In the event the draft Crab and Lobster Pot Fishing (Restricted Vessels) Emergency Byelaw 2022 was not proceeded with. However, CIFCA engaged in a public consultation and a summary of the responses revealed a high level of concern over the adverse impact of vivier boats on the sustainability of the traditional inshore fleet. See Carly Daniels, Annie Jenkin, Steph Sturgeon, Colin Trundle and Kimara Street *Effort management in the crustacean pot fishery – Stakeholder Call for Evidence: Summary of responses from the 2023 Call for Evidence* (2023, Hayle) <[https://secure.toolkitfiles.co.uk/clients/17099/sitedata/Research\\_Reports/2023crustaceanC4Esummary-report.pdf](https://secure.toolkitfiles.co.uk/clients/17099/sitedata/Research_Reports/2023crustaceanC4Esummary-report.pdf)>.

79. Section 153(2)(b) Marine and Coastal Access Act 2009.

80. HL Deb 16 March 2009, vol. 709, col 42.

81. In interpreting a statute, words should be afforded their natural or ordinary meaning in the context of the statute, unless the result is a meaning the words cannot reasonably be supposed to have been the legislature’s intention (*Jones v. Director of Public Prosecutions* [1962] A.C.635 per Lord Reid at p. 668).

suggesting that this balance is not restricted to being drawn between differing sectors only of the fishing industry.<sup>82</sup> Further support for the interpretation that an IFCA can have regard to the differing needs of fishers within the same sector (i.e., a shellfishery) can be derived from the Explanatory Notes to the 2009 Act. In relation to section 153 these state that, inter alia, a key element of an IFCA's duty is 'to balance the needs of all persons exploiting the district's fisheries.'<sup>83</sup> Nothing in this language suggests such balancing is restricted to between different sectors of the industry but rather that the term 'all persons' can convincingly support considerations of a balance on socio-economic grounds being achieved between fisheries engaged in the same sector of fishing. That being the case, it would be *intra vires* for an IFCA to consider the socio-economic impacts upon a local coastal community of the displacement of modern, offshore vivier boats into inshore coastal waters, as well as any impact upon sustainability of shellfish stocks.

### *Fishing gear marking*

Another illustration of the complexities and challenges faced by IFCAs in ensuring that their decision-making process conforms to the parameters set by section 153 is the issue of the marking of fishing gear such as fishing nets (both static and drifting) and shellfish pots. Such gear has the potential to impact both the safety of public navigation and the integrity of the marine environment. Whilst the marking of fishing gear is not an activity that directly involves the exploitation of fishing resources, it is sufficiently related to such activities to bring it within section 153. As with the above example then, an IFCA's ability to regulate it is not in question, but rather the purposes of such regulation that would be permitted under section 153.

Inadequate marking of fishing gear can cause significant problems for fishing vessels (and vessels of all types). Horizontal visibility from vessels, especially recreational craft, can be quite limited. Unless nets and pot lines are marked with a bright marker buoy of a suitable size, preferably with a vertical pole and flag as well, craft can come upon them without seeing them.<sup>84</sup> The problem is exacerbated by the practice, especially by recreational fishers, of using redundant plastic containers and even bottles, often of clear or translucent plastic, as marker buoys, to avoid the cost of purchasing purpose-made marine buoys.<sup>85</sup> Such improvised markers are not designed to withstand the rigours of marine use; the handles where a rope is attached often break away and if a cheap, buoyant rope is also used then entanglement becomes more likely. Additionally, these discarded plastic items then add to marine litter and eventually microplastic pollution, an issue of increasing environmental concern.<sup>86</sup>

The Royal National Lifeboat Institution (RNLI) does not record in its data the specific cause of lifeboat launches to assist vessels immobilised by entanglement, let alone the specific type of fishing gear involved. However, there is abundant anecdotal evidence that entanglement with ropes for shellfish pots and fishing

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82. In this context, the term 'sector' is used to distinguish between the different fishing activities; examples being the potting sector, the trawling sector and the netting sector.

83. Marine and Coastal Access Act 2009 Explanatory Notes, para. 434 <<https://www.legislation.gov.uk/ukpga/2009/23/notes/division/2/10/1/2/1>>.

84. The Maritime & Coastguard Agency (MCA), which is responsible for safety at sea, has issued guidance for marking of fishing gear: MCA, *Marking of Fishing Gear: Advice to Fishermen and Yachtsmen* (March 2008) <[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/509685/Fishing\\_Gear\\_2008\\_A3.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/509685/Fishing_Gear_2008_A3.pdf)>.

85. For a summary of the problem see: Royal Yachting Association, 'Poorly marked fishing gear and small craft safety' <<https://www.rya.org.uk/knowledge/external-affairs/poorly-marked-fishing-gear>>.

86. Marcus Eriksen, Win Cowger, Lisa M Erdle, Scott Coffin, Patricia Villarrubia-Gómez, Charles J Moore, Edward J Carpenter, Robert H Day, Martin Thiel, Chris Wilcox, 'A growing plastic smog, now estimated to be over 170 trillion plastic particles afloat in the world's oceans – Urgent solutions required' (2023) 18(3) PLoS One e0281596.

nets comprise a significant element of such entanglements. This led to discussions between the Association of IFCA's (AIFCA), the MCA and other representatives of marine users and in turn requests that IFCA's require, in the interest of safety of public navigation, the utilisation by fishers of prominent marker buoys and poles under IFCA Bylaws.<sup>87</sup> In turn the AIFCA referred the matter to its Law Group for consideration.<sup>88</sup>

Given that the primary duty of IFCA's, as set out above, is to regulate only activities targeted or directed at the exploitation of sea fisheries resources, the Law Group considered that it was impermissible for an IFCA, by regulation, to secure the provision of safety of public navigation as a sole objective in itself.<sup>89</sup> On the face of it, section 153 includes no express reference to the safety of navigation. The maxim of statutory interpretation 'expressio unius est exclusio alterius' (to express one thing is to exclude another) indicates that it would be ultra vires under section 153 for an IFCA to take into consideration matters of navigational safety generally, since such matters are unrelated to the duty of managing exploitation of sea fisheries resources or the other matters expressed in section 153, such as environmental protection and sustainable development.<sup>90</sup>

The courts have been alive to the misuse of a power by a public body to achieve a purpose beyond that which a public body is empowered by legislation to pursue.<sup>91</sup> However, the ability of IFCA's to consider safety of navigation may be more nuanced than a simple immateriality in all circumstances. It is clear that matters which are incidental to or consequential upon the authorised exploitation of sea fisheries resources will be intra vires an IFCA and material considerations in its decision making.<sup>92</sup> Moreover, the latitude afforded by the courts to a specialised statutory body, such as an IFCA, makes successful challenge to such regulation less likely.<sup>93</sup> Such a nexus between navigational safety and exploitation of sea fisheries resources arguably arises in relation to the navigational safety of IFCA vessels and other fishing vessels. Productive fishing grounds are invariably exploited by multiple fishing vessels and inadequately marked fishing gear represents a serious navigational hazard to other fishers. Additionally, IFCA vessels must patrol such known areas and inspect fishing gear for compliance, putting them likewise at risk.

On this basis, the Law Group concluded that an IFCA can require that fishing gear, used for the exploitation of sea fisheries resources, be marked by a floating marker. The IFCA would need, through the Bylaw

87. These discussions occurred through the Lobster Pot & Small Craft Safety Working Group chaired by the MCA.

88. The AIFCA Law Group has been established to consider matters of law and its application as it relates to the role and function of IFCA's, and to develop specialist advice and guidance to the IFCA's on the general application of law as it relates to the role of the IFCA's in order to aid the IFCA's in the delivery of their functions and to build upon a body of evidence, in the form of general legal guidance and advice, to support IFCA's' decision making. Its members, who have a legal background, are appointed from both within and outside IFCA's.

89. A similar conclusion had been reached by D&SIFCA previously in relation to a proposal that a permit condition be imposed requiring fishers to wear lifejackets at all times while exploiting sea fisheries resources.

90. Although it has been pointed out the maxim does no more than make a '... fairly obvious linguistic point, viz. that in many contexts the mention of some matters warrants an inference that such other cognate matters were intentionally excluded.' Sir Rupert Cross, *Statutory Interpretation* (Butterworths, 1976) pp. 129–121. See also *Regina (Government of the Republic of France) v. Kensington and Chelsea Royal London Borough Council* [2017] EWCA Civ 429 per Hickingbottom LJ at 64.

91. Examples can be found in *Attorney-General v. Fulham Corporation* [1921] 1 Ch 440 (local authority providing laundry services when it was empowered only to provide laundry facilities for residents to wash their laundry themselves); *Regina (Government of the Republic of France) v Kensington and Chelsea Royal London Borough Council* [2017] 1 WLR 3206 (local planning authority lacked power to issue a certificate of lawfulness retrospectively for listed building works); and *Credit Suisse v Allerdale Borough Council* (n. 27) (a power to provide 'recreational facilities' did not include a power to provide time-share accommodation and the setting up of a subsidiary company to undertake acts the authority itself could not do).

92. See *Attorney General v Great Eastern Railway*, above n. 27, per Lord Selborne at 478.

93. See *R. v Social Fund Inspector Ex parte Ali (Waris)*, above n. 26; *Levy v. The Environment Agency* per Silber J. at 78–80; *R. (on the application of Edwards) v. The Environment Agency* [2005] EWHC 657 (Admin) per Lindsay J. para 92.

making process, to provide justification that such a requirement is required for effective regulation but as long as such a justification could be provided then the requirement would be *intra vires*, since it would constitute management of the exploitation of sea fisheries resources within the meaning of section 153(1). This power would also extend to requiring, for regulatory purposes, that the floating marker is labelled with such information that the IFCA reasonably requires in order to facilitate such management. This could be, for example, the relevant fishing vessel's registration (port, letters and numbers) of the vessel named on the Permit or the Permit number.<sup>94</sup>

Furthermore, it is arguable that such *vires* would also extend to requiring that such markers are of a particular nature. Under section 153(2), in managing the exploitation of sea fisheries resources, an IFCA must '... seek to balance the social and economic benefits of exploiting the sea fisheries resources of the district with the need to protect the marine environment from, or promote its recovery from, the effects of such exploitation ...'<sup>95</sup> and '... take any other steps which in the authority's opinion are necessary or expedient for the purpose of making a contribution to the achievement of sustainable development ...'.<sup>96</sup> Either of these provisions would empower an IFCA to prohibit the use of products not designed and manufactured for the purpose of marking submerged objects in a marine context, since such a prohibition would be seeking to balance exploitation of sea fisheries resources with protection of the marine environment<sup>97</sup> and to achieve sustainable development, the latter being commonly understood as 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs'.<sup>98</sup>

This power would also enable an IFCA to specify the dimensions and characteristics of floating gear for regulatory purposes, provided it could advance a reasonable and proportionate basis for doing so.<sup>99</sup> Such a basis may conceivably be the need for a certain size of marker in order to be able to display certain information outlined above, or a certain colour, shape and/or degree of reflectivity in order to be adequately visible to IFCA officers conducting inspections and thus readily locatable. Such requirements, provided they were proportionate in nature and directed at facilitating regulatory compliance with fisheries management, would have sufficient nexus to the duties of an IFCA under section 153 as to be *intra vires*.

Such a nuanced approach in decision-making and the minuting of such decisions clearly requires a degree of legal knowledge, a skill set most IFCA members are unlikely to possess and this is a matter which will be considered below, when addressing the implications of stretching the remit of IFCAs.

### *Development of Hinkley point C power station*

The ongoing development of a new nuclear facility at Hinkley provides an opportunity to consider an IFCA's role in relation to activities that do not involve the exploitation of sea fisheries resources but that are still likely to materially impact the marine ecosystem and therefore the sea fisheries resources that are part of that ecosystem. Indeed, D&S IFCA involvement has recently been requested in two key areas

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94. As required by Devon & Severn IFCA's Potting Permit Bylaw. <<https://www.devonandsevernifca.gov.uk/Enforcement-Legislation/Current-Permit-Byelaws-Permit-Conditions>>.

95. Section 153(2)(b) Marine and Coastal Access Act 2009.

96. Section 153 (2)(c) Marine and Coastal Access Act 2009.

97. Section 186 Marine and Coastal Access Act 2009 defines the marine environment to include (a) geological or physiographical features of marine or coastal areas; (b) features of archaeological or historic interest in such areas; (c) flora and fauna which are dependent on, or associated with, a marine or coastal environment.

98. World Commission on Environment and Development, *Our Common Future* (1987, Oxford University Press), p. 41 <<https://sustainabledevelopment.un.org/content/documents/5987our-common-future.pdf>>.

99. *Associated Picture Houses Ltd. v. Wednesbury Corporation* [1948] 1 K.B. 223 per Lord Greene M.R. at 228–230.

relating to this large-scale infrastructure project. The first involves an application by the developer (EDF) to the EA to vary its Water Discharge Activity permit for the development. EDF plans to cool the new nuclear reactors using water from the Severn Estuary and on this basis the permit originally issued by the EA was made subject to a condition that EDF install and maintain an acoustic fish deterrent ('AFD') for the coolant intake pipes. The purpose of the AFD being to deter fish from swimming near the intake pipes, thus reducing the number of fish that will be sucked through the coolant system and killed.<sup>100</sup> EDF applied to vary the permit to remove this condition. The application was supported by CEFAS evidence, which suggested that removing the requirement for an AFD would have a 'negligible effect' on fish populations in the Severn estuary.<sup>101</sup> However, this was contested by a number of stakeholders, who argued that removal could lead to an additional 37 tonnes (in equivalent adult values) of fish from the Severn Estuary's fish assemblage being captured by the coolant system each year.<sup>102</sup> In response to a number of requests, D&S IFCA responded to a public consultation on this application conducted by the Environment Agency in July 2019 and made representations at the public inquiry on the application held by the Planning Inspectorate in June 2021 following call in by the Secretary of State.<sup>103</sup>

While the operation of a nuclear power station is clearly not a fishing activity, the IFCA's involvement in this matter is arguably within the statutory powers of D&S IFCA as it relates to the exploitation of sea fisheries resources (section 153(1)) (namely the fish that would be sucked up from the Severn Estuary, through the coolant system and returned dead or significantly injured to the Estuary). In addition, it can be framed as (i) a step which in the authority's opinion is necessary or expedient for the purpose of making a contribution to the achievement of sustainable development (section 153(2)(c)); and (ii) an action carried out in order to try and ensure that the exploitation of sea fisheries resources is carried out in a sustainable way (section 153(2)(a)) and that there is balance between the different needs of persons engaged in the exploitation of sea fisheries resources in the district (section 153(2)(d)).

In a separate matter relating to the Hinckley Point C Development, North Somerset Council requested the involvement of D&S IFCA in opposing a marine licence variation application made by EDF to the MMO. The purpose of the application was a request to vary the marine licence for the project to allow the deposition of dredged materials at a site within the Severn Estuary close to Clevedon and Portishead. D&S IFCA presented evidence to the MMO in relation to the possible consequences for the marine ecosystem in these areas if the deposit of dredged materials were to be allowed. These included detrimental effects on the fish assemblage in the Severn Estuary due to increased sediment loads as well as detrimental impact on *sabellaria* reefs within the area.<sup>104</sup>

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100. For context, each coolant water intake head will be 44 metres long and 8 metres high, with a capacity to take 132 cubic metres (equivalent to 132,000 litres) of water per second from the Severn Estuary.

101. CEFAS, *Revised Predictions on Impingement Effects at Hinckley Point C – 2018* (Edition 2, 8 February 2019) <[https://www.edfenergy.com/sites/default/files/5\\_-\\_cefass\\_tr456\\_report.pdf](https://www.edfenergy.com/sites/default/files/5_-_cefass_tr456_report.pdf)>.

102. Hinckley Point C Stakeholder Reference Group, *'The implications of Hinckley Point C for Wales' environment and its people: A report to the Welsh Government'* (16 March 2021), pp. 15–16. <[https://gov.wales/sites/default/files/publications/2021-03/the-implications-of-hinckley-point-c-for-wales-environment-and-its-people\\_0.pdf](https://gov.wales/sites/default/files/publications/2021-03/the-implications-of-hinckley-point-c-for-wales-environment-and-its-people_0.pdf)>.

103. APP/EPR/573: the outcome of the public inquiry was announced in September 2022 with the Planning Inspectorate dismissing the developer's appeal on the basis that the available evidence was not sufficient to show that operating the cooling system without an AFD would not have adverse effects on fish stocks in the Severn Estuary. Since then, the Environment Agency has agreed to a variation to the water discharge permit following a further application by EDF. For further details see Louis Inglis, 'Hinckley Point C: Millions of fish under threat after permit change' (*BBC*, 26 August 2023) <<https://www.bbc.co.uk/news/uk-england-somerset-66582623>>.

104. D&S IFCA, 'Devon and Severn IFCA response to MMO consultation for Hinckley Point UXO clearance, Severn Estuary SAC, *MLA/2019/00241*' <[https://www.devonandsevernifca.gov.uk/wp-content/uploads/2023/09/MLA2019\\_00241\\_IFCAResponse\\_HPC-UXO-clearance.pdf](https://www.devonandsevernifca.gov.uk/wp-content/uploads/2023/09/MLA2019_00241_IFCAResponse_HPC-UXO-clearance.pdf)>.

This latter involvement falls less clearly within D&S IFCA's statutory powers and provides a useful example of the difficulties for IFCAs in determining the outer limits of their powers under section 153 MCAA. The proposed deposit of dredged materials within the Severn Estuary does not appear to involve any direct exploitation of fisheries resources. It does however have the potential to impact upon such exploitation indirectly. The Severn Estuary is a key nursery area for many species<sup>105</sup> and so any negative impacts on the fish assemblage in the estuary could potentially have significant effects on the abilities of fishers to exploit those species of fish within the IFCA's district (and without). It is submitted that the type of involvement by an IFCA in activities like this is the determining factor in the question of whether involvement is *intra* or *ultra vires*.

In the present example, action by D&S IFCA to directly regulate the activities of dredging and the deposition of dredged materials would clearly be outside of the statutory powers of an IFCA. However, it is arguable that involvement as a specialist regulator through the giving of evidence and the making of representations to the public body empowered to regulate the activities in question could be a step under section 153(2)(c) that is 'necessary or expedient for the purpose of making a contribution to the achievement of sustainable development.' In the present example, D&S IFCA provided its specialist knowledge to the MMO with regard to the possible impacts of the proposed activity on fisheries resources and the marine environment that such resources are dependent upon. The representations of D&S IFCA were then considered by the MMO, along with representations from other specialist bodies and EDF, in coming to its own decision. If this analysis bears weight, it suggests that the range of activities that an IFCA can get involved in will vary depending upon whether that IFCA is seeking to directly regulate the activity or merely to contribute evidence drawn from its specialist position as a fisheries regulator to another statutory body.

### *Agricultural runoff*

The final example is perhaps the most obvious, however, it provides a useful illustration of the extent to which IFCAs are being called on to act outside of the remit of their statutory powers. In one D&S IFCA meeting, the problem of agricultural runoff upstream and its impact on fish stocks down stream and in estuaries was raised, together with a request for the IFCA to get involved in managing the problem.<sup>106</sup> Agricultural runoff has an undeniable impact on water quality in rivers and estuaries<sup>107</sup> and that water quality has an equally undeniable effect on the flora and fauna that live in such rivers and estuaries, including fish stocks.<sup>108</sup> However, regulating agricultural activities on land is clearly not within the scope of the

105. Association of Severn Estuary Relevant Authorities (ASERA), 'Fish of the Severn Estuary European Marine Site' <<https://asera.org.uk/features/fish/>>.

106. For an explanation of one example of this problem, see Cathy Cliff 'How can we properly address the demise of our rivers by intensive chicken production?' *Soil Association* (6 September 2023) <<https://www.soilassociation.org/blogs/2023/september/6/just-a-load-of-chicken-poo-how-can-we-properly-address-the-demise-of-our-rivers-by-intensive-chicken-production/>>. Note also the Judicial Review to be undertaken by River Action, see 'River Action Wins Landmark Court Ruling' *River Action* (24 October 2023) <<https://riveractionuk.com/river-action-wins-landmark-court-ruling/>>.

107. A Lintern, JA Webb, D Ryu, S Liu, U Bende-Michu, D Waters, P Leahy, P Wilson, AW Western, 'Key factors influencing differences in stream water quality across space' (2018) *WIREs Water* 5:e1260, p. 9.

108. See, for example: SY Luk, P Hoogland, JE Rheuban, JE Costa and SC Doney, 'Modelling the effect of water quality on the recreational shellfishing cultural ecosystem service of Buzzard Bay, Massachusetts' (2019) 140 *Marine Pollution Bulletin* 364–373 for a case study on the link between water quality and estuarine shellfish health; S Amisah and IG Cowx, 'Response of the fish populations of the River Don in South Yorkshire to water quality and habitat improvements' (2000) 108(2) *Environmental Pollution* 191–199 for a case study of the impact of water quality on fish populations within the River Don; James P Meador, Andrew Yeh, Graham Young and Evan P Gallagher, 'Contaminants of emerging concern in a large temperate estuary' (2016) 213 *Environmental Pollution* 254–267 for a study on the presence of varying contaminants within a temperate estuary and the fish living in it.

power given to IFCA in section 153 MCAA to manage the exploitation of sea fisheries resources. Such agricultural activities are neither directed nor targeted at sea fisheries resources and as such, any ‘catchment to coast’ management measures that an IFCA sought to place on any such activities would be *ultra vires*.

## Drivers for the expansion of the IFCA remit

If IFCA is being pushed into broadening their remit and potentially acting outside of the powers given to them under section 153 MCAA, then before considering what the appropriate solution might be for this state of affairs, it is important to attempt to understand what is driving the push for expansion. This section considers four possible factors that may be contributing to the situation.

### *Accessibility of regulators*

The inshore marine environment is subject to a complex regulatory framework. Kelly *et al.* note that management of the coast and marine environment is typically ‘fragmented... with responsibilities dispersed across a number of bodies.’<sup>109</sup> In England, MCAA was intended to simplify and strengthen regulation of the marine environment, driving it towards an ecosystem approach to such regulation. However, only a short while after it came into force and the MMO and IFCA came into being, it was suggested that there were ‘still too many agencies and government bodies involved in managing the marine environment.’<sup>110</sup> In addition, while the sheer number of legislative instruments applicable to the inshore marine environment may have changed a little from Boyes and Elliott’s ‘horrendogram’<sup>111</sup> following the exit of the UK from the European Union, the range of different pieces of legislation to consider is still overwhelmingly large.

Set against this background of complexity, it is arguable that IFCA is experiencing pressure to expand their remit as described above in large part because they are the body that is most accessible and accountable within the marine environment. IFCA are statutory committees or joint committees of their funding coastal Local Authorities, operating under the provisions of the Local Government Act 1972 and associated secondary legislation.<sup>112</sup> Consequently, IFCA have to comply with requirements and protocols for participatory decision making, with IFCA documentation and meetings and their minutes accessible to the public. This public accessibility contrasts sharply with that of other regulators present in the marine space, such as NE, the EA and the MMO. This dichotomy is heightened by each IFCA Authority including democratically elected local councillors from the funding local authorities and people from within its district who have been appointed to the Authority by the MMO for their knowledge and expertise in relation to fishing communities and/or marine environmental matters.<sup>113</sup>

The nature of IFCA decision-making is thus open to and actively seeks the participation of stakeholders and the public. As noted above, meetings must be open to the public and the membership of each IFCA includes local councillors, who are also accessible to the public. In addition, many IFCA routinely

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109. Christina Kelly, Geraint Ellis, and Wesley Flannery ‘Unravelling persistent problems to transformative marine governance’ (2019) 6 *Frontiers in Marine Science* 213, p. 213.

110. See Suzanne J Boyes and Michael Elliott, above n. 12 at p. 64.

111. Suzanne J Boyes and Michael Elliott, ‘Marine legislation – the ultimate ‘horrendogram’: International Law, European directives & national implementation.’ (2014) 86, 1-2 *Marine Pollution Bulletin* 39–47.

112. Section 150(3) Marine and Coastal Access Act 2009.

113. It is useful here to contrast the IFCA model with the centralised model adopted for the management of Wales’ inshore fisheries, where Terry *et al.* note that the centralised model has resulted in lower democratic accountability and reduced representation of conservation interests (Alan Terry, Kerry Lewis and Blaise Bullimore, ‘The impact of the Marine and Coastal Access Act (2009) on Welsh inshore fisheries and marine management’ (2019) 99 *Marine Policy* 359–368).

undertake considerably enhanced consultation processes, going beyond what is required under MCAA,<sup>114</sup> in order to encourage the participation of stakeholders in the decision-making process. This process is then recorded in full and made available to the public to enable stakeholders to understand the process and how the outcomes in question have been reached.<sup>115</sup>

The result of the IFCA structure and funding model (and of increased opportunities for stakeholder participation) is that IFCA are more closely tied into local political decision-making than other statutory bodies operating in the marine environment. They are also more accessible to the general public, either directly or via their local council, who can bring matters to IFCA meetings. Conversely, the MMO, the body with a wider remit in the marine environment, NE and the EA are less accessible to the general public and elected councillors. Meetings are not public and knowledge of who to contact about specific issues relating to the marine environment is limited. Nor is there any accessibility or participatory decision making through the local political process.

As the accessible regulator in the marine environment, IFCA therefore appear to have become in many people's minds the 'go-to' regulator for issues relating to the marine environment. Even where those issues don't relate to the exploitation of sea fisheries resources, the interconnected nature of the marine ecosystem means that sea fisheries resources are likely to be impacted in some way and so this appears to be sufficient for many to justify a requirement for the IFCA to act. This is arguably the public and stakeholders seeking to hold IFCA responsible for the conservation of the inshore marine area, something which the government, in drafting MCAA, was keen to avoid.

### *Trust in marine regulators*

In addition to being the most accessible marine regulator for the public, Ford and Stewart's study on trust within UK fisheries management shows that IFCA appear to be the most trusted of the fisheries regulators.<sup>116</sup> While the sample of fishers was small and so the study should only be considered preliminary, the findings showed low levels of trust in all governing and scientific bodies. However, IFCA, while still scoring low, did manage to score higher than Defra and the MMO, with the suggestion that their 'participatory strategy' and the improved efficacy brought by their local management could be behind the higher score.<sup>117</sup> Indeed, perhaps reflecting the increased accessibility of IFCA, the authors used positive participant comments about the responsiveness of IFCA and the 'good local relationships' they have to support this suggestion.<sup>118</sup>

Considering trust in the context of fisheries management, Gray *et al.* suggest that participation in fisheries management is the key variable that correlates with higher levels of

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114. The requirements for consultation are set out in the Secretary of State's guidance on IFCA byelaw making published under section 160 Marine and Coastal Access Act 2009 (Defra, *IFCA Byelaw Guidance: Guidance on the byelaw making powers and general offences under Part 6, Chapter 1, Sections 155 to 164 of the Marine and Coastal Access Act* (March 2011)) <<https://www.eastern-ifca.gov.uk/wp-content/uploads/2016/03/ifca-byelaw-guidance.pdf>>. As an example, prior to the introduction of its Netting Permit Byelaw, D&S IFCA carried out an initial 'call for evidence' consultation, a second round of consultation involving a range of communications (including online consultations, direct contact with known fishers and 'roadshows' held around the district for those interested in the proposals to attend and speak to IFCA staff and members), and finally the formal consultation required by the guidance.

115. See, for example, Devon & Severn IFCA, *The Development of the Netting Permit Byelaw* (26 September 2018) <<https://www.devonandsevernifca.gov.uk/wp-content/uploads/2023/09/PFinalDevelopmentreportNettingPermitByelaw.pdf>>.

116. Eleanor Ford and Bryce D Stewart, 'Searching for a bridge over troubled waters: An exploratory analysis of trust in United Kingdom fisheries management.' (2021) 132 *Marine Policy* 104686.

117. *Ibid.*, pp. 8–9.

118. *Ibid.*

trust,<sup>119</sup> while Cvitanovic *et al.* identified transparency as a crucial factor in building trust, both through making management processes available to stakeholders and through enabling stakeholders to understand such processes.<sup>120</sup> The participatory nature of IFCA decision making and their public accessibility is likely to be contributing to the increased levels of trust experienced in relation to IFCA's in comparison to the more opaque (and much less participatory) nature of the decision-making of NE, the EA, the MMO and Defra, for example.

In addition, familiarity has also been shown to increase levels of trust.<sup>121</sup> In the context of natural resources management, Mase *et al.* reported a clear link between familiarity with the source of information on natural resources and its status, and the trust in such information,<sup>122</sup> while Schmidt *et al.* reported greater familiarity with local institutions lead to greater trust in those institutions in the context of sustainable natural resources management within the Arctic.<sup>123</sup> Similarly, Gray *et al.* suggested that the recreational anglers in their study 'may discern between levels of government and have higher levels of trust for local government.'<sup>124</sup> It may therefore be the case that stakeholders in fisheries management have higher levels of trust in IFCA's as opposed to the MMO and Defra partly because the IFCA's are the most local level of management for fisheries and stakeholders therefore have greater familiarity with IFCA's and their work.

While participation can breed trust, it really should be viewed as a circular process, with trust also '[serving] as a vital lubricant to collaborative processes.'<sup>125</sup> In the context of fisheries management, Glenn *et al.* suggest that trust is a vital precursor to stakeholders' participation and collaboration.<sup>126</sup> The higher levels of trust in IFCA's compared to other fisheries management bodies could also therefore be a factor in the increased pressure being experienced by IFCA's through their members, stakeholders and the public to expand their remit and deal with an increasing range of environmental issues in the inshore marine environment.

Ford and Stewart's study discussed above focuses on fisheries management and policy and this limitation has two facets. Firstly, the bodies considered did not include those with other roles in the regulation of inshore fisheries, such as the Environment Agency and Natural England. In addition, the sample drew on fishers only and not on the wider range of interests in the inshore marine area. Nonetheless, on the basis that neither the EA nor NE benefit from the participatory structures described above that promote transparency, stakeholder

119. Steven Gray, Rachael Shwom and Rebecca Jordan, 'Understanding Factors That Influence Stakeholder Trust of Natural Resource Science and Institutions' (2012) 49 *Environmental Management* 663–674, p. 670. See also Helen Glenn, Diana Tingley, Sonia Sánchez Maroño, Denis Holm, Laurence Kell, Gurpreet Padda, Ingi Runar Edvardsson, Johann Asmundsson, Alexis Conides, Kostas Kapisris, Mintewab Bezabih, Premachandra Wattage and Sakari Kuikka, 'Trust in the fisheries scientific community' (2012) 36:1 *Marine Policy* 54–72, p. 57 for a discussion of factors that build trust in decision-making organisations.

120. Christopher Cvitanovic, Rebecca Shellock, Mary MC Mackay. Ingrid van Putten, Denis B Karcher, M Dickey-Collas, M Ballesteros, 'Strategies for building and managing 'trust' to enable knowledge exchanges at the interface of environmental science and policy.' (2021) 123 *Environmental Science and Policy* 179–189, p. 182.

121. Jennifer R Dunn and Maurice E Schweitzer, 'Feeling and believing: the influence of emotion on trust' (2005) 88(5) *Journal of personality and social psychology* 736; Mae A Davenport, Jessica E Leahy, Dorothy H Anderson, and Pamela J Jakes, 'Building Trust in Natural Resource Management within Local Communities: A Case Study of the Midewin National Tallgrass Prairie' (2007) 39(3) *Environmental Management* 353–368.

122. Amber Saylor Mase, Nicholas L Babin, Linda Stalker Prokopy and Kenneth D Genskow, 'Trust in Sources of Soil and Water Quality Information: Implications for Environmental Outreach and Education' (2015) 51(6) *Journal of the American Water Resources Association* 1656–1666.

123. Jennifer I Schmidt, Douglas Clark, Nils Lokken, Jessica Lankshear and Vera Hausner, 'The Role of Trust in Sustainable Management of Land, Fish, and Wildlife Populations in the Arctic' (2018) 10(9) *Sustainability* 3124.

124. See Gray *et al.*, above n. 111 at pp. 670–671.

125. Marc J Stern and Kimberley J Coleman, 'The Multidimensionality of Trust: Applications in Collaborative Natural Resource Management' (2015) 28:2 *Society and Natural Resources* 117–132, p. 121.

126. See Gray *et al.*, above n. 119.

participation and, ultimately, trust, such as public meetings and the involvement of democratically accountable members, it is foreseeable that the trust in such bodies will be lower than that in IFCA's.

### *A general conservation duty?*

It is also possible that IFCA's have become the 'go-to' regulator for marine environmental issues in coastal waters partly because, despite the sea of different regulators with responsibility for elements of or activities within inshore marine areas, there is lacking a regulator with a general conservation duty within these areas.<sup>127</sup> Such a general duty seeks to achieve a specific outcome, which is often formulated as a principle (such as to minimise the risk of harm to the marine environment), by giving the regulator wide discretionary powers to achieve that outcome.<sup>128</sup> As set out above, IFCA's' duty in the inshore marine area is constrained by a connection to the exploitation of sea fisheries resources and so IFCA's clearly do not possess such a general duty.

The MMO, as the primary regulator of marine environments, has a general objective is to exercise its functions in a way that seeks to make a contribution to sustainable development.<sup>129</sup> In support of this objective, the MMO is also given a very wide power to 'take any action which it considers necessary or expedient for the purpose of furthering any social, economic or environmental purposes.'<sup>130</sup> However, its nature conservation duties are limited to certain specific situations. These include a duty to 'have regard to marine flora and fauna' and to 'endeavour to achieve a reasonable balance between [the regard for marine flora and fauna] and any other considerations to which [it] is required to have regard' when carrying out any functions under the Sea Fisheries Acts.<sup>131</sup> All of this purposefully stops short of a general duty of conservation of the marine environment on the basis that that 'would be to favour one element of its overall sustainable development duty over the others...'<sup>132</sup>

As noted in part 2.3 above, the EA and NE also have duties that bring them into the management framework of the marine environment. The remit of NE extends to encompass English territorial waters and with powers to designate SSSIs and make byelaws for their protection,<sup>133</sup> the body therefore holds an important conservation role in respect of certain areas of IFCA districts. Similarly, the remit of the EA includes a duty to promote 'the conservation and enhancement of the natural beauty and amenity of... coastal waters... and the conservation of flora and fauna which are dependent on an aquatic environment...'<sup>134</sup> as well as a duty to maintain, improve and develop migratory fisheries (such as salmon and sea trout).<sup>135</sup> The area in which the Environment Agency must carry out these duties extends out to six nautical miles from coastal baselines, just like IFCA districts.<sup>136</sup>

127. All public authorities exercising functions in England (which includes IFCA's and the MMO) are subject to the general duty to consider actions it can take to conserve and enhance biodiversity within the exercise of its functions under section 40 Natural Environment and Rural Communities Act 2006 (as amended by Environment Act 2021), however, as no one body is given an overarching responsibility for conservation, there are limits to what the section 40 duty can achieve.

128. Joel Edwards, Eric Windholz, Nicholas Faulkner and Lara Werbeloff, 'Implementing general environmental duties: Regulators' perception of complementary toolkits' (2022) 32(1) *Environmental Policy and Governance* 69, 70.

129. Section 1(1) Marine and Coastal Access Act 2009.

130. Section 2(2) Marine and Coastal Access Act 2009.

131. Sea Fisheries (Wildlife Conservation) Act 1992, section 1 (as amended by MCAA).

132. Marine and Coastal Access Bill Deb 16 March 2009, col 43 (Lord Hunt of Kings Heath as Minister of State, Department of Energy and Climate Change & Department for Environment, Food and Rural Affairs).

133. Under sections 28 (designation) and 28R (byelaws), Wildlife and Countryside Act 1981.

134. Section 6(1)(a) and 6(1)(b), Environment Act 1995.

135. Section 6(6), Environment Act 1995.

136. Section 6(7), Environment Act 1996.

With at least four environmental regulators of the inshore marine environment being given specific statutory powers and duties in relation to specific elements of its management, there is the potential for uncertainties and gaps to develop as to which regulator is responsible for the regulation of an activity taking place in such area or has any powers to act in respect of any such activity. Arguments for an overarching general duty of conservation have included the ability of such a duty to fill gaps that exist or develop in legislation where no relevant specific duty exists.<sup>137</sup> As discussed in part 3 above, there are numerous gaps in the management and regulation of the inshore marine environment. While the government was clear that the MMO should not be burdened with a general duty of conservation, it appears that IFCAs are increasingly being looked at by the coastal communities to fill the gaps left by this decision.<sup>138</sup>

### *An ecosystem approach*

The inshore marine area is a complex ecosystem<sup>139</sup> and the pressure experienced by IFCAs to expand their remit may partly be explained as a consequence of stakeholders embracing an understanding of the interdependency of different forms of marine life and the environment which they are found.

An ecosystem approach to marine management was formally introduced in the UK in the Marine Policy Statement.<sup>140</sup> The meaning of the term ‘ecosystem approach’ (and what such an approach entails) is not universally settled,<sup>141</sup> although many proponents of such an approach formulate its principles with reference to the Convention on Biological Diversity<sup>142</sup> and associated literature,<sup>143</sup> which focuses on integrated management of living resources ‘that promotes conservation and sustainable use in an equitable way.’<sup>144</sup> In a Parliamentary note published at a similar time to the UK Marine Policy Statement, ‘the ecosystem approach’ was described as ‘[seeking] to maintain the integrity and functioning of ecosystems as a whole to avoid rapid undesirable ecological change.’<sup>145</sup> More recently, and in relation to fisheries management specifically, the ecosystem approach has been applied through the inclusion of an ‘ecosystem objective’ for fisheries management in the Fisheries Act 2020.<sup>146</sup> However, this ecosystem approach does not seem to bear the same interpretation as that evidenced in stakeholders expectations, which appear not to appreciate the narrower, contextual limitation to fisheries’ imperatives.

The ‘ecosystem objective’ within the Fisheries Act focuses not on the impact that the ecosystem and influences on it can have on fish stocks, but rather on the impact that fishing activity can have on the

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137. Neil Gunningham, ‘Should a general ‘duty of care’ for the environment become a centrepiece of a ‘next generation’ environment protection statute?’ (2017) 34 *Environmental and Planning Law Journal* 198, p. 200.

138. It may also be the case that inaction by a regulator, such as the Environment Agency in the case of river pollution, is leading the public to turn to IFCAs as a perceived alternative.

139. Although it is noted that the concept of a marine ecosystem is a ‘*human construct*’ and thus involves an element of artificiality in its delineation; Luc van Hoof, ‘Fisheries management, the ecosystem approach, regionalisation and the elephants in the room’ (2015) 60 *Marine Policy* 20, p. 22.

140. HM Government, Northern Ireland Executive, Scottish Government, and Welsh Assembly Government, *UK Marine Policy Statement* (2011) The Stationery Office <UK marine policy statement - GOV.UK (www.gov.uk)> Accessed 6 January 2023.

141. Trine Skovgaard Kirkfeldt, ‘An ocean of concepts: Why choosing between ecosystem-based management, ecosystem-based approach and ecosystem approach makes a difference’ (2019) 106 *Marine Policy* 103541; van Hoof, n. 139, p. 22.

142. Secretariat of the Convention on Biological Diversity, *The Ecosystem Approach* (2004) <<https://www.cbd.int/doc/publications/ea-text-en.pdf>>.

143. See Kirkfeldt, above n. 141 at p. 4.

144. Secretariat of the Convention on Biological Diversity, ‘Ecosystem Approach: Description’ <<https://www.cbd.int/ecosystem/description.shtml>>.

145. Parliamentary Office of Science and Technology, *Post Note No 377 The Ecosystem Approach* (2011) <[https://www.parliament.uk/globalassets/documents/post/postpn\\_377-ecosystem-approach.pdf](https://www.parliament.uk/globalassets/documents/post/postpn_377-ecosystem-approach.pdf)>.

146. Section 1(1)(c), Fisheries Act 2020.

ecosystem such activity takes place within.<sup>147</sup> This narrower interpretation of ecosystem theory is traditional within fisheries management.<sup>148</sup> For example, the latest iteration of the Common Fisheries Policy ('CFP') refers to the CFP '[implementing] the ecosystem-based approach to fisheries management so as to ensure that negative impacts of fishing activities on the marine ecosystem are minimised, and... that aquaculture and fisheries activities avoid the degradation of the marine environment.'<sup>149</sup> Considering fisheries management globally, Morishita suggests that the ecosystem approach as used within fisheries management tends to fall into one or more of four categories, the most popular of these being those that focus on fishing activity and fish resources (such as bycatch mitigation) and multi-species management (focusing on the prey-predator relationship).<sup>150</sup> Both of these categories, like the CFP example, concentrate on the impacts of fishing *on* the ecosystem.

The example discussed at 3.3 above relating to the proposed deposit of dredged materials is a prime example of ecosystem thinking by stakeholders. While the deposit of dredged materials *prima facie* has no relation to fishing or fish stocks, it is clear that activity that has the potential to disturb the marine environment also has the potential to impact fish stocks and thus fishing activity. Similarly, farming activities up stream (as discussed at 3.4 above) also have no direct link to fishing or fish stocks, but the nature of the ecosystem means that such activities do end up having considerable impact on fish stocks, particularly within estuaries. However, IFCA's are constrained by the powers granted to them in section 153 of MCAA to employ a narrower approach to ecosystem theory and focus on the impact of the fishing sector and fishing activity on the inshore marine ecosystem by only managing actions directed or targeted at fisheries resources. This is not necessarily a criticism of section 153; all fisheries managers need to focus on managing fisheries and such management needs to be limited and bound by parameters to enable it to function well. Yet, the parameters set by section 153 are not being considered by stakeholders, who seem to be interpreting the ecosystem approach in a much more holistic, and therefore much wider, sense.

## Conclusion

This examination of section 153 has revealed many complexities, some rather predictable, given the fragmented maritime regulatory regime, others perhaps less so. As noted in part 4 above, the nature of the IFCA model is likely to be a significant driver in the push being experienced by IFCA's to expand their remit. Inherent characteristics of the IFCA model include the relative ease of access to an IFCA through elected representatives and MMO appointees rooted in stakeholder groupings and transparent and participatory decision-making compared to other marine regulators, such as the MMO, the MCA, the Environment Agency and Natural England. Such accessibility and transparency also brings greater accountability. In this context it is informative to consider the conclusions of the recent Independent Review of Protected Site Management on Dartmoor, which was expressly critical of NE's lack of engagement with stakeholders in its decision-making process. In particular noting that the relationship with stakeholders had broken

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147. Section 1(4)(a), Fisheries Act 2020: 'The 'ecosystem objective' is that: (a) fish and aquaculture activities are managed using an ecosystem-based approach so as to ensure that their negative impacts on marine ecosystems are minimised and, where possible, reversed; and (b) incidental catches of sensitive species are minimised and, where possible, eliminated.'

148. Serge M Garcia, *The Ecosystem Approach to Fisheries: issues, terminology, principles, institutional foundations, implementation and outlook*, FAO Fisheries Technical Paper 443 (2003) <The Ecosystem Approach to Fisheries: Issues, Terminology, Principles ... - S. M. Garcia - Google Books>.

149. Regulation No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy, (OJ L 354 28.12.2013, p. 22) as amended, article 2(3).

150. Joji Morishita, 'What is the ecosystem approach for fisheries management?' (2008) 32(1) *Marine Policy* 19–26.

down, that NE had become increasingly inward-looking and target driven rather than reaching out to build effective partnerships, and this would take a large amount of effort to rebuild trust.<sup>151</sup>

This contrasts strongly with the increased accessibility and trust enjoyed by IFCA and the local management they practise as key components of a successful co-management model.<sup>152</sup> Given that co-management is ‘at the core of fishery governance discussions’<sup>153</sup> on the basis of its contribution to sustainable fishing and conservation,<sup>154</sup> this suggests that the IFCA model, despite some of the issues identified above, is still an eminently suitable starting point for sustainable inshore fisheries management. Indeed, perhaps it is time to look at restructuring the MMO, NE and the EA to a more participatory model of decision-making along the lines of IFCA and the locally administered Town & Country Planning system?

At the same time, the wider regulatory framework that IFCA sit within may also be contributing to the pressure IFCA are currently under. A plethora of marine regulators and the lack of a marine regulator with a general duty and power of marine conservation may have led to gaps in the regulatory framework for the marine space and this, together with the lack of a general conservation duty within this framework and differing interpretations of an ecosystem approach to fisheries and marine management are driving stakeholders to attempt to utilise IFCA to fill this perceived or actual regulatory lacuna. Nevertheless, while no one body has a general duty of conservation in the marine environment, the duties given to IFCA in section 153, including a new conservation duty in relation to managing fisheries, are suggested as having resulted in greater success in marine conservation for IFCA in England than for central management in Wales (for which MCAA imposed no similar duties on the Welsh Ministers).<sup>155</sup>

What is clear in the above examination is that section 153 is nuanced and that its interpretation is difficult for IFCA officers, let alone lay persons, which will include many Authority members, both elected representatives and MMO appointees. Additionally, most, if not all, IFCA lack in-house legal expertise. Only Devon & Severn IFCA and Southern IFCA, to the authors’ knowledge, currently have MMO appointees with a legal background and both IFCA have found this advantageous in terms of additional skill sets. This is perhaps a matter that the MMO could usefully consider in future appointments when balancing an IFCA’s available skill sets, since this examination has identified significant drivers putting pressure on IFCA to expand the remit of section 153, which puts IFCA at enhanced risk of legal challenge.<sup>156</sup>

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151. David Fursdon, Cicely Hunt, Lisa Norton, Jeremy Moody, Charles Tyler, Jane K Hill, Matt Loble, Sue Everett and William Cockbain, *Independent review of protected site management on Dartmoor (December 2023)*. <<https://www.gov.uk/government/publications/independent-review-of-protected-site-management-on-dartmoor/independent-review-of-protected-site-management-on-dartmoor#chairmans-f>>.

152. Margherita Pieraccini and Emma Cardwell, ‘Towards deliberative and pragmatic co-management: a comparison between inshore fisheries authorities in England and Scotland’ (2016) 25(4) *Environmental Politics* 729–748, p. 730.

153. Melina Puley and Anthony Charles, ‘Dissecting co-management: Fisher participation across management components and implications for governance’ (2022) 23(3) *Fish and Fisheries* 719–732, p. 720.

154. Loukia-Maria Fratsea and Apostolos G Papadopoulos ‘Fisheries Co-Management in the ‘Age of the Commons’: Social Capital, Conflict, and Social Challenges in the Aegean Sea’ (2022) 14(21) *Sustainability* 14578. See also, Nicolás L. Gutiérrez, Ray Hilborn and Omar Defeo ‘Leadership, social capital and incentives promote successful fisheries’ (2011) 470 (7334) *Nature* 386–389; Laia d’Armengol, María Prieto Castillo, Isabel Ruiz-Mallén, and Esteve Corbera ‘A systematic review of co-managed small-scale fisheries: social diversity and adaptive management improve outcomes’ (2018) 52 *Global environmental change* 212–225, p. 213.

155. See Terry et al., above n. 113 at p. 365.

156. Section 151(3), Marine and Coastal Access Act 2009 permits the Secretary of State by amendment of a Statutory Order to specify additional descriptions of persons who may be appointed by the MMO.

While the IFCA model and the powers and duties given and imposed by section 153 have demonstrated great promise for enabling sustainable fisheries management at an ecosystem level, the nature of that model and the wider regulatory framework that IFCAs sit within, as discussed in part 4 above, both mean that IFCAs are likely to be subject to continual pressure to deal with all manner of marine issues and those who are working for or members of an IFCA need to understand what they are empowered to do under section 153 and what would fall outside of those powers.

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## Stakeholder Groups Paper For Information

*Report by DCO Birchenough*

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### **A. Purpose**

To inform Members of the activity undertaken by stakeholder groups; The South Coast Fishermen's Council, The Recreational Angling Sector Group and The Dorset, Hampshire and Isle of Wight Marine Conservation Group where minutes from these meetings are available.

### **B. Papers**

- Marked N – The South Coast Fishermen's Council Minutes – 25<sup>th</sup> September 2024
  - Marked O – The Dorset, Hampshire and Isle of Wight Marine Conservation Group Minutes – 17<sup>th</sup> September 2024
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### **1.0 Introduction**

- The Authority currently provides a secretariat role for the Recreational Angling Sector Group and also the Dorset, Hampshire and Isle of Wight Marine Conservation Group.
- The Authority has given a grant of £300 to the Fishermen's Council in this financial year.
- All three groups are offered free use of a room, at the Committee's office, for meetings. Meetings are held both virtually and in person as required.
- The South Coast Fishermen's Council meets quarterly, from 2024 the Dorset, Hampshire and Isle of Wight Marine Conservation Group meet twice per year in Spring and Autumn and the Recreational Angling Sector Group meet three times per year.

### **2.0 Summary of Key Points**

- The following minutes are presented to the Authority for Members' consideration and to appraise them of the groups' business:
  - The minutes of The South Coast Fishermen's Council dated 25<sup>th</sup> September 2024, Marked N
  - The minutes of the Dorset, Hampshire and Isle of Wight Marine Conservation Group dated 17<sup>th</sup> September 2024, Marked O
- The minutes of the most recent Recreational Angling Sector Group meeting (2<sup>nd</sup> September) were provided to the Authority on the agenda for the meeting on 19<sup>th</sup> September. The next meeting of this group will take place in 2025.

### **3.0 Next Steps**

- That Members note the report.

## SOUTH COAST FISHERMEN'S COUNCIL

MINUTES OF THE 378<sup>th</sup> MEETING held via Teams at 1900 on WEDNESDAY 25<sup>th</sup>  
SEPTEMBER 2024

PRESENT: P. Dadds - Mudeford and District FMA  
 T. Russell - Poole & District FMA (Vice Chairman)  
 R. Stride - Mudeford & District FMA (Secretary)  
 S. Postles - Lyme Regis FMA  
 A. Bamfield - West Bay FMA

IN ATTENDANCE: Sam Dell - SDCO, Southern IFCA  
 James Morgan - MMO

I APOLOGIES: B. Pool, H. Hamlett (Fishermen's Mission), R. Irish (MMO)

The minutes of the 377<sup>th</sup> meeting held via Teams on 24<sup>th</sup> July 2024 were taken as read and it was agreed they should be signed as a true record.

### II REGIONAL FISHERIES GROUPS

None of the members present had attended the meeting of the SW RFG, held on 5<sup>th</sup> September.

T. Russel and R. Stride had attended the South RFG, held on 11<sup>th</sup> September. T. Russell reported that there would be 20% reduction in the dover sole quota in 2025. In practice the decrease could be greater for the under 10 sector as the POs would have no spare quota to swap in. The undulate ray catch allowance is to increase but until further notice undulates still have to be landed whole or gutted. A DEFRA official at the meeting had undertaken to find out whether this rule might be lifted now that there is a TAC for undulates rather than a scientific catch allowance. R. Stride commented that the uptake of brill, plaice, cod and skates and rays had been low so far this year and wondered whether this reflected a decrease in fishing effort in the mixed net and trawl fisheries. It had been reported that seal predation had deterred netting in some areas.

R. Stride reported that he had asked how long it would take for MCRS to be set under the various FMPs, commenting that SIFCA had suspended its work on MCRS pending the outcomes. He had been told that there was a preference for aligning with national measures where possible. A discussion of MCRS followed in which it was noted that MCRS set by IFCA's apply equally to commercial and recreational fisheries.

### III FISHERIES MANAGEMENT PLANS

S Dell informed the meeting that FMP development had resumed now that the new government was in place. He outlined the efforts SIFCA was making to keep the FMP page of the SIFCA website updated and as clear as possible so as to serve as a resource for stakeholders. Items include events, links, documents, deadlines for responses, etc. See <https://www.southern-ifca.gov.uk/fisheries-management-plans>

Several members had met with the Wrasse and Seabream FMP team. R Stride, T. Russell and P Dadds expected to be part of the working group which was expected to hold its first meeting in October. T Russell urged members to respond to the online survey for the Wrasse and seabream FMPs. Some members had experienced difficulties in filling in the survey. It was not possible to preview the questions, there was no facility to save and return and when responding for an organisation some questions sought individual views. J Morgan recommended giving feedback to Gordon Chittenden's team and also offered to raise the issues himself. The survey is open until 31<sup>st</sup> January 2025.

At the South RFG, DEFRA had announced that the Bass Management Group had been formed and would meet in November. R. Stride and T. Russell had expressed surprise that there had been no opportunity given to apply to join the group. Their request was noted but nothing had been heard since then.

#### IV MMO/ DEFRA MATTERS

##### **iVMS Implementation**

The chairman explained that members were concerned that the statutory implement would not make reasonable provision to allow vessels to continue fishing should their iVMS device malfunction. J. Morgan stated that the legislation should have been in place for the summer but had been delayed by the general election. In the absence of a new date, it was a case of wait and see. S Dell sought to reassure members that the criteria for issuing an "authority to sail" had been discussed at length with a view to keeping the regulation proportionate. The feedback received had been positive and all parties involved were waiting to see the outcome. J Morgan added that officers would be reluctant to prevent a vessel from sailing unless there were significant risks. A B reminded the meeting that the type approval process had required the suppliers of iVMS devices to commit to turn technical problems around in a certain timescale and to inform the MMO how the situation would be resolved.

The latest guidance can be found at:

<https://www.gov.uk/guidance/inshore-vessel-monitoring-i-vms-for-under-12m-fishing-vessels-registered-in-england#important-update---24-may-2024>

##### **Licence capping**

R Stride outlined the Council's expectation that progress should be made towards lifting the licence caps. J M undertook to get an update.

#### V SOUTHERN IFCA MATTERS

SD provided an update to the meeting:

- The chairman and the Chief Officer will be going out on the coast to speak with stakeholders directly, starting with a pilot in Lyme Regis to discuss the current local issues and fisheries management in general. The discussions would include the CIC but also others who fish in the area, including those based outside of the district.
- The pot fishing byelaw was still in the MMO QA process.

- The Bottom Towed Fishing Gear 2023 is with DEFRA and confirmation was expected soon. The priority would then be to ensure that the towed gear fleet is fully informed. Members commented that there has been an increase in activity by nomadic trawlers in Poole Bay.
- Next step in the development of Seabream management is to bring together stakeholders at a workshop to consider the options for co-management. This work is concurrent with the development of the Seabream FMP but applies to MCZs and is subject to a December 2024 deadline.
- The shore gathering byelaw had been made at the September authority meeting. It closes areas to all hand gathering activities in MPAs. PDFA members will not be affected as the byelaw mirrors existing Poole Harbour management. The byelaw will now be advertised and subject to a public consultation before being submitted to the MMO.
- SIFCA has a new patrol vessel, a 10.5 m RIB. Vigilant will enter service after the completion of acceptance trials.
- SIFCA has set up an online system for applying for the Permit to Fish in the District. Work to move other permits online is ongoing.

## VI SOUTH COAST SEA FISHERIES TRAINING ASSOCIATION

No applications had been received for training grants.

## VII OTHER BUSINESS

### **Training**

S Postles informed the meeting that courses scheduled for Eastbourne and Portsmouth had been cancelled due to low demand. He related the problems that he was encountering with Seafish Training. In particular, the 15 day Introduction to Commercial Fishing course had been cancelled due to the insistence by Seafish that the candidates obtain and ENG1 medical certificate as a precondition. Interest in the course had been generated by an article in Fishing News but it was not possible for the candidates to get an ENG1 prior to the course. There are only limited number of doctors who are approved by the MCA. Members felt that this was an unacceptable obstacle to recruitment to the industry. S Postles is looking at the potential to run a 7 day introductory course for which funding might be obtained from the Skills Council. It was suggested that the SCSFTA could potentially contribute towards match funding and would consider this once full costs were available.

### **Marine Planning**

Members discussed the BCP proposal to dredge material from the Dolphin Sands and the Shingles to recharge the beaches. It was noted that meetings were to be held with fishermen in Mudeford and Lymington. T Russel stated that PDFA was seeking a separate meeting in Poole.

Several members had attended a 3 day workshop in Poole to discuss the future of the inshore industry. It was felt that the outcomes of this workshop, and another to be held in Whitby, would lead to the issues being raised with government. Members agreed that there was a need for a national body to represent the small scale fishermen and acknowledged that this would have to be an industry initiative.

## VIII ARRANGEMENTS FOR MEETINGS IN 2024. .

30<sup>th</sup> October, 11<sup>th</sup> December.

The chairman thanked everyone for attending and closed the meeting at 2130

Chairman

## Meeting Minutes

### Dorset, Hampshire and Isle of Wight Marine Conservation Group- 17/09/2024

**Attendees:** Louise MacCallum (LM) (Chair), Rick Stafford (RS), Peter Tinsley (PT), Megan Roberts (MR), Tim Ferrero (TF), Alice Hall (AH), Wez Smith (WS), Celie Mullen (CM) and Hester Churchouse (HC).

#### *Agenda*

#### **1. Welcome and Apologies**

The chair welcomed the Members of the group to the meeting after a break since May 2023. Apologies received from Sue Hawley and Alison Fowler.

#### **2. Minutes of the Last Meeting**

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#### **3. Current Focus and Activities**

##### **Angling for Sustainability (AH)**

AH provided an update on the University of Plymouth's Angling for Sustainability FISP. The tagging phase of the project has now been completed, with 216 black seabream tagged over the past two years in various locations around Dorset, including Poole Rocks, Southbourne Rough, Dancing Ledge, and Kimmeridge. Additionally, 113 elasmobranchs, encompassing tope, smooth-hound, undulate ray and thornback ray, were tagged across Dorset and the Solent. The next steps involve data downloads in Autumn to gather further information on the tagged species. The project is currently seeking potential funding to commence in March 2025 to ensure its continuation.

#### **4. Southern IFCA Update**

CM provided an update on the byelaws that have been in progress since the previous meeting. The Pot Fishing Byelaw was made by the Authority in March 2022 and is currently in final Quality Assurance with the Marine Management Organisation, timescale unknown. The Bottom Towed Fishing Gear Byelaw 2023 was made by the Authority in August 2023 and is currently with the MIMO for Quality Assurance, timescale unknown. The Net Fishing Byelaw was signed by the Secretary of State in August 2023 and is now in force. A draft of the Shore Gathering Byelaw was presented to the Southern IFCA Technical Advisory Committee (TAC) in August 2024 where it was recommended that the Byelaw be made at the September Authority meeting, if the Byelaw is made there will be a subsequent period of Formal Consultation. The MCRS Review is currently in its development stages and an evidence

package is being built. The progress of this workstream is dependent on the outcomes of the management measures listed under the newly released Fisheries Management Plans (FMPs) developed by Defra.

HC provided an updated on the Southern IFCA research survey programme since the previous meeting. There was the successful completion of all surveys in 2023, which included the Small Fish Survey (spring and autumn), the Solent Scallop Survey (autumn) and Solent Bivalve Surveys. There has also been the completion of the 2024 survey programme to date which includes Poole Bivalve Survey (spring), Whelk Survey (spring), Solent Bivalve (spring), Solent Scallop (spring) and Solent oyster (summer). Southern IFCA also assisted in the black seabream and elasmobranch tagging with the University of Plymouth Angling for Sustainability in Poole and Swanage.

## **5. Restoration Projects**

### **The Solent Seascapes Project**

LM delivered a presentation on the ongoing work of The Solent Seascapes Project. The project comprises ten partners: the Blue Marine Foundation, the RSPB, Natural England, the Environment Agency, Hampshire and Isle of Wight Wildlife Trust, University of Portsmouth, Isle of Wight Estuaries Project, Project Seagrass, Coastal Partners, and Chichester Harbour Protection and Recovery of Nature. To date, the project has secured £6 million in funding to enhance the condition, extent, and connectivity of key marine and coastal habitats through protection and restoration initiatives. An additional £3 million is required to achieve the project's objectives.

The project focuses on four main habitats: saltmarsh, seagrass, native oysters, and breeding seabird nesting sites. LM provided detailed updates on the current workstreams within each of these habitats. The project's "marine champions" consist of 500 volunteers who lead engagement and survey efforts. Since the project's inception, two films have been published on oyster reefs and saltmarsh, with two more films in progress, focusing on seabird restoration and notable individuals living in the Solent.

### **Hampshire and Isle of Wight Wildlife Trust**

TF provided an update on the seagrass planting efforts across the Solent, covering five sites. Seed collection has been completed, and seedlings have successfully grown at each planting site. While these are not yet fully established meadows, they demonstrate promising signs of success.

***TF left meeting at 15:02, due to conflicting commitments.***

## **RSPB**

WS provided an update on the progress in restoring or enhancing at least 10 sites within the Solent to boost seabird recovery. Drone footage was used to map vegetation over the Medmerry Central Islands on the Medmerry Nature Reserve in West Sussex. A model was applied to test how much of the islands would remain above water during tidal stages and high storm surges.

## **6. Any Other Business**

### **Structure of Meetings**

Members deliberated on the structure of future conservation group meetings and agreed that membership would be open to all interested parties. It was decided that meetings will be held biannually on Microsoft Teams. Additionally, the possibility of a trial run for a rotating Chair was discussed. PT will serve as Chair for the next MCG meeting, with LM acting as Deputy Chair.

**ACTION- WS to ask if any RSPB colleagues in different sectors would like to join.**

**ACTION- PT to act as Chair for the next meeting.**