

**MINUTES OF A MEETING OF THE
SUSSEX INSHORE FISHERIES & CONSERVATION AUTHORITY
on 8th February 2024**

at Sussex Yacht Club, 85/89 Brighton Road, Shoreham-by-Sea

PRESENT

Members

Prof. Peter Jones (Chair)
Councillor Noel Atkins (Deputy Chair - West Sussex County Council)
Councillor Pieter Montyn (West Sussex County Council)
Councillor Theresa Fowler (Brighton & Hove City Council)
Dr Paul Driver (MMO Appointee)
Dr Corina Ciocan (MMO Appointee)
Graham Furness (MMO Appointee)
Paul Johnson (MMO Appointee)
Prof. Paul Leonard (MMO Appointee)
Mark Bennett (EA Representative)
Julian Seaman (MMO Appointee)
Becca Turley (NE Representative)
Gary Edwards (MMO Appointee)
Kim Matthews (MMO Appointee)
Sally Ashby (MMO Appointee) [Online]

Staff

Robert Pearson (Chief Fisheries & Conservation Officer)
Angharad Purcell (Deputy Chief Fisheries & Conservation Officer)
Rebecca Belleni (Committee Manager and Personal Assistant to SMT)
Lucy Francis (Finance Manager)
Charlie Hubbard (Master of Vessels)
Matt Wiseman (Mate of Patrol Vessels)
Dr George Balchin (Conservation & Research Manager)
Dr Jen Lewis (Conservation & Research Manager)
Jake Wilson (Inshore Fisheries & Conservation Officer)
Tim Dapling (Strategic Advisor & Clerk) [Online]

1 CHAIR & CHIEF OFFICER'S INTRODUCTION

- 1.1 The Chair, Prof. Peter Jones welcomed members to the final and fourth quarterly meeting of 2023. He particularly welcomed our newly appointed member Kim Matthews and asked him for a brief introduction.

- 1.2 Kim Matthews introduced himself to the committee and explained he has recently returned part-time to commercial fishing. He added that he sees his place in the committee as a double role, stating that there is a cultural divide between the scientists and fishing community that need to come together. He also expressed his concern for water pollution with reference to the Adur being protected but polluted. He finally added he would hope to see a more bottom-up participative approach.
- 1.3 Prof. Peter Jones thanked Kim Matthews and added that hopefully through his participation through this committee will foster that approach.
- 1.4 Prof. Peter Jones took a moment to ask members on receiving the meeting invite via email to please respond to confirm attendance or not, thus enabling us to account for correct numbers for the lunch, printing packs and for the apologies of absence list.

2 APOLOGIES FOR ABSENCE

Councillor Julia Hilton (East Sussex County Council)
Garry Walker (MMO Appointee)
Andy Read (MMO Appointee)

ABSENT

Councillor Emma Evans (West Sussex County Council)
Councillor Tom Liddiard (East Sussex County Council)
Councillor Sam Adeniji (East Sussex County Council)

3. DECLARATION OF INTEREST

- 3.1 Julian Seaman as Harbour Master for Shoreham Port Authority, berthing providers for SxIFCA vessels and various inshore fishing vessels.
- 3.2 Gary Edwards as a commercial fisherman.
- 3.3 Cllr Noel Atkins as West Sussex County Councillor and for Worthing Borough Council. Member of Littlehampton Harbour Board. Chair of Worthing Royal Naval Association and newly appointed Arm Forces Champion for Worthing.
- 3.4 Cllr Pieter Montyn as board member for Chichester Harbour Conservancy.
- 3.5 Kim Matthews as commercial fishermen.

4. APPROVAL OF MINUTES

- 4.1 Prof. Peter Jones asked members to approve the minutes from the previous meeting held in October as an accurate record.

ALL RESOLVED to approve the minutes.

5. MATTERS ARISING

None

Decision Items

6 Four Year Plan (2024 – 2028)

- 6.1 The Chief Officer, Rob Pearson took a moment to welcome everyone and highlighted that we have two members of the public observing today from the local recreational fishing community and members of the Angling Trust.
- 6.2 Rob Pearson reminded members that we have a statutory requirement to produce an annual plan each year, which is submitted to the Secretary of State as set out in section 177 of the Marine and Coastal Access Act. He added that, to provide some medium term, strategic context from which we are able to derive each year's annual plan, we also produce a four-year plan, and 2024 is the start of a new, four-year planning cycle. He made reference to the introductory work on FMP's and continued development, implementation and review of SxIFCA byelaws.
- 6.3 Rob Pearson advised that the draft four-year plan had been provided for members to review. He noted the key points which were considered in the development of the plan, including compliance with the Defra produced guidance for IFCA's on planning and reporting. He continued to add the requirement for embedding the high-level objectives that are consistent across all IFCA's and were previously agreed with Defra in 2015.
- 6.4 Rob Pearson advised that the four-year plan also takes into account the management priorities identified through a comprehensive public consultation exercise in 2013, which fed into the Review of Management Measures as provided as an appendix to the 4yr plan. He added that whilst many of the priorities are still absolutely valid, we should consider that it's been over 10 years since the original review, with many changes we've experienced in that time; exiting the EU and common fisheries policy,

resulting changes in fisheries legislation and the introduction of FMP's, changes in stakeholder representation within the district, a move to an ecosystem-based approach and marine natural capital; pressures associated with marine spatial planning. He proposes a review to better inform the next four-year planning cycle, with an updated review of locally prioritised management measures.

- 6.5 Rob Pearson concluded by adding that he hoped members will agree the plan represents a continuing path to toward sustainable fisheries and a healthy marine environment within the district. That it continues to meet the 5 key overarching objectives as set by Defra. And that it follows our key IFCA principles of co-management, through stakeholder engagement, partnership working and of course through an Authority that provides representation from our key stakeholders, as well as ensuring we make the best use of evidence in our decision-making.
- 6.6 Rob Pearson welcomed comments or feedback on the draft four-year plan at this stage.
- 6.7 Dr Paul Driver asked if the four-year Research plan comes at the same time.
- 6.8 Rob Pearson advised that the Research four-year plan will be included in the following principal meeting in April. He added that historically they have been staggered across two meetings to allow members to digest each better, with the Research Plan being distributed in April.

Recommendations

- i. That members note the legal requirements and guidance concerning IFCA annual plans and reports.**
- ii. That members agree to the proposed Management Plan for the four-year period commencing April 2024 and authorise SMT officers to publish the plan.**

MAJORITY RESOLVED to accept recommendations.

7 Annual Plan Objectives 2024/2025

- 7.1 Rob Pearson gave an overview of the Annual Plan objectives for the forthcoming year. He added that the plan can be broadly split into two primary work areas, which align with our two key duties under Sections 153 and 154 of the Marine and Coastal Access Act.

- 7.2 Robert Pearson took time to explain the two areas are the management of inshore fisheries and the management of Marine Protected Areas. He made reference to the management of inshore fisheries and explained the plan outlines considerable work related to the three outstanding byelaws still in development. These being: the Netting Permit Byelaw 2019, which will be discussed under a separate agenda item; the Minimum Sizes Byelaw 2021 has passed through the MMO assurance process and, as we understand is with Defra, awaiting sign off by the Secretary of State; the Hand Gathering Byelaw is still with the MMO, though we have had recent conversations with them that suggest they are well underway with the assurance process.
- 7.3 Rob Pearson added that as well as the continuing development of byelaws it's also essential that we consider the resource requirements for when each of the byelaws are confirmed and this is outlined by our engagement strategy and guidance materials to inform stakeholders appropriately.
- 7.4 Rob Pearson continued to inform that the plan also outlines our planned research activities and partnerships. An in-depth research annual plan will be shared at April's committee meeting.
- 7.5 Rob Pearson explained with regards to Marine Protected Areas, there is a strong focus on ensuring we have the right fishery management measures in place to ensure the conservation objectives of the sites within our District are met. For the forthcoming year this means submitting the Schedule for Beachy Head East MCZ to update our Marine Protected Areas Byelaw. He added the need to consider the MPA review process for Kingmere MCZ, which is due and will be a priority for the 24 to 25 planning year.
- 7.6 Rob Pearson explained the final section of the plan that outlines key wider initiatives, policy and partnership work, much of which is a continuation of existing work streams and partnerships with various stakeholder groups. He said that SxIFCA has also been required to plan for engagement with FMP's, including consultation responses, representation on various FMP working groups, and support of FMP events.
- 7.7 Rob Pearson concluded by adding that the planned objectives also include the continuation of our risk-based, intelligence-led enforcement and compliance plan, ensuring we get the most from our enforcement assets through a range of enforcement activities.

Recommendations

- i. **That members note the legal requirements and guidance concerning IFCA annual plans and reports.**

- ii. **That members agree to the management priorities described.**
- iii. **That members agree that annual planning priorities are provided to Defra as part of the Sussex IFCAs four-year planning cycle 2024 to 2028.**

MAJORITY RESOLVED to accept recommendations

8 Beachy Head East Marine Conservation Zone Management Development

- 8.1 Rob Pearson opened this decision item with a thanks to Conservation and Research Managers, Dr George Balchin and Dr Jen Lewis who led on producing the report and noted the effort that has gone into the development of the Byelaw thus far.
- 8.2 Rob Pearson summarised that at the previous meeting, SxIFCA presented the results of the formal consultation, which included a submission by Natural England of new evidence for the presence of *Sabellaria*, one of the sites designated features, within the proposed management area Zone 2, which is outside of the towed gear exclusion zone. This evidence consisted of a series of photographs recorded on a dive survey in September 2023. He continued to add that NE also confirmed their intention to conduct further surveys within the site. Members were also presented with a letter from Sussex IFCA to Natural England detailing a schedule for the provision of new, quality assured data from their planned surveys, by the 6th January 2024. The original intention was to hold a Technical Subcommittee in January to consider the evidence submitted by the deadline proposed on 6th January 2024, but he added that time constraints made it difficult to achieve shoehorning in a Technical Subcommittee immediately prior to the Principal Committee and therefore the decision to delay the Principal Committee to today's date was agreed to enable us to develop updated management proposals which we could then share directly with members.
- 8.3 Rob Pearson drew attention to Section 5 of the report that details the key points from the additional survey work, which was contracted to Ocean Ecology, and the survey report itself is provided as Annex 2. The survey consisted of 18 grab sample locations and 30 drop down camera locations, capturing seabed imagery. All these survey sites were within Zone 2, the area where bottom towed gear access was not proposed to be restricted. He said in summary, the conclusion of the survey was that it provided further evidence for the presence of *Sabellaria* in the location identified in

September's dive survey, but identified no significant evidence of the presence of *Sabellaria* across the other sample sites within Zone 2.

- 8.4 Rob Pearson added that in light of this new evidence the proposed management measures have been updated. Section 6 of the report details the considered options for management, which range from no change from the proposal approved at the 27th July Principal Committee Meeting, to Full Site Exclusion. Sections 6.2 through to 6.4 provide our justification for either recommending or not recommending each of the four management proposals.
- 8.5 Rob Pearson finally explained that at the end of January, SxIFCA submitted a formal response to the conservation advice previously received from NE on the 10th January. Since that submission and in light of the new evidence, and amended management measure proposals, NE agree that Options 3 and 4 would enable the site to meet its conservation objectives, and along with a commitment to develop a monitoring and control plan, in principle they are happy to support the submission of the Byelaw Schedule if one of these was the option submitted by members. He gave thanks to Becca Turley from NE for the quick turnaround and updated conservation advice and said he would now pass over for Dr George Balchin to expand on why option 3 is our recommended option.
- 8.6 Dr George Balchin advised that he would run through the management proposals with members with justification and recommendation for option 3. He proceeded to run through starting with option 1 which is no change from the July 2023 proposal. Option 2 will introduce an isolated management zone to cover the new area of *Sabellaria*. Option 3 will extend zone 1 to include the new data and option 4 is a full site exclusion.
- 8.7 Dr George Balchin took time to break down these options in more detail, explaining that option 1 would not meet the conservation objectives of the site. Option 2 for isolated management would meet the conservation objectives however it would create a significant compliance and enforcement issues due to accuracy in trawlers avoiding an area when gear is further from the vessel and would result in unintentional non-compliance.
- 8.8 Dr George Balchin explained that option 3 is our recommended option with the extension of zone 1 out to include an additional 12km² within zone 1 which covers *Sabellaria* found as part of the August 2023 dive surveys and with a 200m boundary. He added that this does not cover the 1996 Seasearch dive point, as previously stated this is due to low confidence in the accuracy of that data point.
- 8.9 Dr George Balchin further added that NE had low confidence in the reliability of that point, though NE considered that the proposal presented in July didn't meet the conservation objectives of allowing the features to recover to a favourable condition.

- 8.10 Dr George Balchin confirmed that SxIFCA is asserting that our proposed option 3 would meet those conditions. Primarily to take a strictly zonal approach would protect 91km² of the site and the approach we propose in option 3 would protect 143km² of the site which therefore results in an additional protection of 52km², a proportion of which could be suitable *Sabellaria* habitat that would support the structure and function of that particular species. He added that the figures presented do not include the 21km² which is already protected from towed gear due to the Nearshore Trawling Byelaw.
- 8.11 Dr George Balchin explained that there was thorough work carried out on the metadata for the 1996 Seasearch point. The metadata states that the survey was carried out by volunteer divers who's recording standards and levels of relevant knowledge varied widely. Species identification was occasionally expert, usually adequate and sometimes minimal.
- 8.12 Dr George Balchin additionally said that the positional accuracy of the data is unknown and is likely to have a high margin of error due to methods of recording available in 1996.
- 8.13 Dr George Balchin added that he has also spoken to Sam Fanshaw from Blue Marine Foundation who was originally a founding member of Seasearch and she was able to confirm that the underlying data quality assurance process which is now associated with Seasearch, was not formed until 1999 and the datapoint precedes that process. He advised that they are confident the *Sabellaria* does not exist in this point after ROV, acoustic surveys, dive surveys, grab sample surveys and drop-down camera surveys all of which failed to confirm its presence in that location.
- 8.14 Dr George Balchin lastly added that option 4 for full site exclusion would protect all of the conservation features but also eliminate the towed gear fishery in a large section of the site that does not contain any designated features and therefore it would not strike an appropriate balance between conserving the marine environment and promoting sustainable fisheries.
- 8.15 Dr George Balchin advised that if we are to move forward in agreement with option 3 in today's meeting, SxIFCA will conduct a secondary statutory consultation through March and April and an analysis of consultation responses will follow, with then a Tech Subcommittee meeting or directly to committee in July. This would then allow sign off and submission to the MMO.
- 8.16 Prof. Peter Jones thanked Dr George Balchin for his brief summary on a very complex situation. He then asked members for any comments or questions.
- 8.17 Dr Paul Driver raised a question directly to NE with what seemed to be previously a requirement to protect existing *Sabellaria* reefs and now the intention seems to have added on the protection of areas where reefs may develop.

- 8.18 Becca Turley responded with reference to the dive survey data in August which showed reef and following this the video survey in November showed clumps of *Sabellaria* rather than reef and said that NE can be confident in this instance that *Sabellaria* can recover in that point where the dive survey was and has an objective to recover and be awarded that protection.
- 8.19 Dr Paul Driver replied stating this change in philosophy was a concern which could result in large areas of the seabed being excluded from trawling.
- 8.20 Becca Turley believed that this was not a change in philosophy from NE and that wording may be slightly different in the advice. She stated the feature has always had a recover objective and needs to be able to recover therefore alleviating pressures where it has existed. She added that due to zone 2 not having further updated evidence of *Sabellaria* from surveys this has resulted in the NE support of option 3.
- 8.21 Prof. Paul Leonard made reference to page 26 and stressed that the geology drives the biology and therefore highlighted the sand in the photographs presented. He advised in storms and unsettled seas this ground will change and therefore dependant on imagery dates there may be evidence of *Sabellaria* and other periods it could be covered. He continued by asking what had been done with the Marine Aggregate Levy data as it is absent from the report which he raised at the previous meeting and there is extensive information within it.
- 8.22 Becca Turley replied advising that they hadn't managed to look at this yet as priority was getting out to the site and gathering current data.
- 8.23 Prof. Paul Leonard stressed that these are stock samples and there is a lot of missing data here. He added that he is happy overall with the conclusions and letter but feels there are things NE could and should be doing which are still not done.
- 8.24 Paul Johnson raised concern over Technical Subcommittee oversight and wanted this rectified to ensure this process is included before the Principal Committee stage.
- 8.25 Rob Pearson explained that we should have the formal consultation responses in time for April's principal committee meeting and thereafter we can delegate the analysis of the responses to a Technical Subcommittee.

Recommendations

- i. **To note the updated evidence provided by Natural England following their response to the statutory consultation process for Beachy Head East MCZ.**

- ii. **To note the Annexes associated with this report.**
- iii. **To approve the amended, proposed management option for Beachy Head East MCZ.**
- iv. **To approve that in accordance with Defra’s published ‘IFCA Byelaw Guidance’, the Authority commences a second public, formal consultation in respect to the amended Schedule 5 Beachy Head East Marine Conservation Zone and associated Impact Assessment.**
- v. **To approve the revised timeline for the development of Schedule 5 Beachy Head East Marine Conservation Zone management.**

MAJORITY RESOLVED to accept recommendations.

9 Netting Permit Byelaw 2019 & Re-engagement Process

- 9.1 Rob Pearson introduced this report before handing over to Tim Dapling, the Strategic Advisor and Clerk who has been involved from the outset of the Byelaw’s development, and thanked him for his guidance and support on the process to date.
- 9.2 Tim Dapling advised that he would ‘walk’ members through the Netting Permit Byelaw development and explain where we presently are in the process. He was aware that several members had joined the Authority subsequent to the Byelaw’s development and consultation.
- 9.3 Tim Dapling explained that the Byelaw was originally approved and made by the Authority in July 2019. He added that presently management of netting is regulated by an existing SxIFCA ‘Fixed Engine Byelaw’; this originated from the 1990’s and required review and modernisation. The Authority also had the new IFCA duties and obligations for management of sustainable fisheries, and marine protected areas arising from MaCAA 2009 Sections 153 & 154 to adhere to. He said that SxIFCA were focused on conserving particular inshore nursery areas. He further added that we had to consider evidence provided by the Environment Agency in respect to net fishery management, and the protection of Salmonids present and other migratory freshwater fish within our District. A further driver for netting management included the broadscale objectives with EU Marine Strategy in relation to commercial fish stocks, food webs and biodiversity.

- 9.4 Tim Dapling explained that with the suite of management measures that were available at the time, a permitting system was proposed including additional spatial, temporal and technical management measures, as well as limiting the amount of net used recreational fishers along with marking of the gear.
- 9.5 Tim Dapling explained that there was also a requirement to restrict netting in transitional waters such as estuaries, harbours and river entrances. There was also a need to seek to minimise the bycatch of certain protected, threatened and endangered species and review configuration of the gear, mesh sizes and the control netting from the shore in the intertidal zone.
- 9.6 Tim Dapling referred back to the original approach to netting management and the proposed Netting Permit Byelaw made in July 2019. The Byelaw included year-round protection in tidal rivers, estuaries, ports and harbours ensuring migratory species were protected in specific pinch points. The Byelaw maintained a minimum 1.5m distance from net headline to the water's surface, this restriction reduced the threat to sea trout in particular. The introduction of prohibition areas from the shoreline, in which nets would not be set and also management of drift netting that would still enable small pelagic fisheries for species such as mackerel and herring. He also explained the consideration of sustainable ring netting for pelagic species and further protection to Chichester Harbour in relation to the bass nursery area. He finally added the management of recreational netting limit and gear marking.
- 9.7 Tim Dapling explained that everything he had described was presented in the formal consultation which was conducted during September and October 2019 and in accordance with the statutory guidance. He also said that the proposed Byelaw came with additional supportive evidence and documentation including the impact assessment, reports and factsheets. The consultation notification was distributed to stakeholders via email, social media links to be website. Also, seven meetings were held in coastal locations throughout the District. Approximately 90 people attended with feedback written or oral from both recreational and commercial fishers.
- 9.8 Tim Dapling informed that that Officers and the Technical Subcommittee assessed the responses from the consultation during October and November 2019, and consequently several amendments were proposed and recommended by the Technical Subcommittee to the Principal Committee. He highlighted to members the amendments summarised in annex 3 of the report. In January 2020 the Principal Committee considered the amendments and voted to approve and submit the amended Byelaw to the MMO and Defra to seek confirmation. The Byelaw and associated papers were submitted in February 2020.
- 9.9 Tim Dapling further went on to add that in February 2020 SxIFCA received correspondence from 'Fish Legal' acting on behalf of Bass Anglers Sportfishing Society (BASS). The judicial pre-action protocol letter

constituted a formal notice of a proposed claim for Judicial Review. As the report described the letter described the proposed grounds upon which BASS intended to seek an application to the Administrative Court for Judicial Review of the Authority's decision to approve the amended Netting Permit Byelaw 2019 and associated Flexible Permit Conditions.

- 9.10 Tim Dapling reported that the Chief Fisheries & Conservation Officer, with the support and agreement of the Chair, engaged lawyers experienced in Judicial Review proceedings to respond on behalf of the Authority. The services of a King's Council Barrister were obtained through London Solicitors, Sharpe Pritchard. A comprehensive pre-action protocol response letter was produced and sent within the required 14-day period to Fish Legal. The letter responded in detail to all aspects of the proposed application for judicial proceedings. Subsequently Fish Legal made no application to the Administrative Court for Judicial Review.
- 9.11 Tim Dapling continued to say that the Byelaw then proceeded through the MMO Q&A process whereby they liaised closely with SxIFCA officers on this with some legal wording modifications made. This process was finalised with the MMO providing advice that the SxIFCA should re-engage, given the nature of the amendments and the risks of judicial challenge. However, the MMO accepted that if SxIFCA officers wished to have the Byelaw submitted to Defra, for consideration that could be done. Given both the opinion of King's Council that the byelaw process had been correctly followed, which had already been obtained by the SxIFCA in March 2020, and the process and consultation work to date, it was considered appropriate to obtain Defra's legal view and the MMO were asked to pass the Byelaw to Defra.
- 9.12 Tim Dapling reminded members that the Byelaw's 2020 timeline was concurrent with Covid19 rising and the pandemic, which had added much complexity to Defra's and others existing workload. He also highlighted that the UK was also leaving the EU at the same time. Defra therefore had many priorities which resulted in the Netting Permit Byelaw taking an unusually long period until Defra responded fully in January 2023.
- 9.13 Tim Dapling then advised that Defra's response concluded that it was necessary for the SxIFCA to re-engage in respect to specific consultation amendments within the Byelaw. He continued to add that SxIFCA officers then sought clarification from Defra and MMO on what would qualify as 're-engagement' due to the Defra IFCA byelaw guidance having no mention of what this specifically should entail. Tim Dapling stated that, in December 2023 we received a formal response from Defra advising it was for SxIFCA to decide.
- 9.14 Tim Dapling concluded that, in light of the absence of advice on re-engagement from Defra or the MMO, SxIFCA officers intend to follow a process reflective of that used in a statutory consultation process in order to be confident that this re-engagement meets Defra's needs. Therefore,

it is proposed that the Authority re-engage on specifically on the Netting Byelaw amendments commencing in the forthcoming months.

- 9.15 Prof. Peter Jones thanked Tim Dapling for a substantial summary of a complex process and asked if there were any comments or questions.
- 9.16 Gary Edwards asked why Chichester Harbour was completely closed to netting when there are areas you can fish whilst compliant with the 1.5 metre headline restriction. He further questioned if the reasoning is to protect salmonids. He thought there is enough headline to swim over the nets and asked why specifically in Chichester Harbour, when the fishing community could earn money seasonally within this area when unable to fish further out due to weather.
- 9.17 Tim Dapling explained that Chichester Harbour is a designated bass nursery area and according to national stock assessments in 2019 bass stocks remained at low and over-exploited levels. There was considered a need to provide additional protection for the bass in this area. He also added that although there are existing seasonal and all-year regulations in Chichester Harbour, the review process and the policy drivers had meant the Authority had agreed on a complete exclusion of netting within the Byelaw. In so doing, this would also better address some issues and the risks to migratory salmonids.
- 9.18 Gary Edwards stated he finds it very hard as a commercial fisherman to understand why an opportunity to earn a living from net fishing in Chichester Harbour would cease, and made reference to bass being permitted to be fished for at certain times of the year. He added that, it sounds like due to the lack of enforcement officers to patrol it is being stopped, and sees this an unfair to fishermen. He further added, specific areas have 90ft of water and said that fishermen could shoot nets safely, attending the nets throughout and therefore allowing fishers to earn a living whilst still protecting the harbour.
- 9.19 Tim Dapling said he acknowledged what Gary Edwards had said and advised that a significant change in recent years was the ban on driftnetting for bass which has implications for this Byelaw, netting management of other species that could have a bass by-catch, and other complexities surrounding Chichester Harbour's protection.
- 9.20 Prof. Peter Jones agreed with taking this concern onboard and advised that with the re-engagement there is the opportunity to respond with this feedback.
- 9.21 Gary Edwards further questioned the different depths of water from the shore dependant on geographical coast areas for the prohibition of netting.
- 9.22 Tim Dapling replied to explain that the original specified distances from shore were different in various zones due to varying nearshore seabed

gradients and depths of water close to the shore; some being much shallower compared to others.

- 9.23 Kim Matthews questioned the difference between a Nettling Permit Byelaw and a Byelaw flexible permit condition.
- 9.24 Tim Dapling explained that a byelaw can have conditions within it, or it can enable flexible permit conditions which are specified separately. The flexible conditions can be modified with a process that doesn't require the same degree of process complexity compared to amending or revoking an entire byelaw.
- 9.25 Kim Matthews also queried that there was no limit to commercial fishers on number of fleets and nets they can use, however in the flexible permit there is a limit of 1000 metres in individual net length. He raised concern with this being in the flexible conditions and therefore potential to modify at some stage.
- 9.26 Tim Dapling explained that the concern raised at the time, including by some commercial fishers was the amount of net, and particularly the length of individual runs of set net. The Authority considered netting effort restrictions; however, it was considered appropriate that individually nets attached to one another should not exceed a total length of 1000m.
- 9.27 Gary Edwards raised concern on the provision for drift netting on herring and sprat; he added that as a fisherman he finds it offensive that this would be permitted to happen near the shore purely due to the amount of school bass that will be caught. He said that this should be pushed out and not allowed from shore.
- 9.28 Julian Seaman made reference to the time which had now passed since 2019 and said that this re-engagement is a chance to gather new response from stakeholders and overlay legislation.
- 9.29 Graham Furness said he understood we were only reconsulting on amendments and has concern that a lot of points raised today are not within the amendments.
- 9.30 Tim Dapling clarified that Defra have asked us to just to re-engage specifically on the amendments that were made from the consultation responses.
- 9.31 Prof. Peter Jones thanked Tim Dapling and continued to add that Gary Edwards has made important points which were related to the amendments in the re-engagement process. He then summarised the timeline to date for members.

Recommendations

- i. **To note the report.**
- ii. **To approve the proposed re-engagement process.**

MAJORITY RESOLVED to accept recommendations.

Abstention – Gary Edwards

- 9.32 Paul Johnson reminded members that, in the event of Judicial Review of a Sussex IFCA Byelaw, this will be submitted to the Secretary of State not SxIFCA, hence why Defra need to take sufficient time to adequately review the proposed Byelaw.
- 9.33 Prof. Peter Jones apologised and added that no criticism of DEFRA or MMO was meant, as it was a very complicated, drawn-out process during very challenging times.

Information Items

10 Financial Performance Report

- 10.1 Lucy Francis informed members that the Finance Subcommittee had met earlier today and went through the financial information in more detail.
- 10.2 Lucy Francis advised that the performance for the third quarter was reviewed (1st October to 31st December). During the quarter there was a deficit of £8,000 and for the three quarters it is nearly £25,000. She further explained that we do expect that to recover this by the end of the financial year due to Defra grant income which will be released against work performed in Q4 and therefore we are still forecasting a balanced position for year end.
- 10.3 Lucy Francis explained the main variances from budget were income from charters to use Watchful which were expected from the MMO. She said this has been revised in the forecast. This meant the expenditure that offset with that was salaries due to the local government pay award being approved in December and backdated to 1st April 2023.
- 10.4 Lucy Francis moved to the budget for the next financial year 2024/25. She stated that the preliminary budget was presented at the November Finance Subcommittee meeting and the final budget presented this morning. She was pleased to say the subcommittee had agreed and approved the

budget. She continued to add the main highlights being an increase of 5% from the Council Levies to reflect the expected uplifts in salaries and other costs.

- 10.5 Lucy Francis added the budget includes the replacement of an aging vehicle asset but more significantly for the replacement of support vessel, Delta One which we hope to receive a grant to fund as well as some of our reserves.

ALL RESOLVED to note the report.

11 Conservation and Research Update

- 11.1 Dr Jen Lewis provided an update on the Conservation and Research Team's report and work progress over the quarter. She referred to key work such as the Skates and Ray FMP draft proposals and due to the team's engagement in particular, it led to the recognition of the Sussex District as a hot spot for the critically endangered Undulate Ray.
- 11.2 Dr Jen Lewis advised that this quarter the marine protected area work has been focused on Beachy Head East, as per the update in the decision item.
- 11.3 Dr Jen Lewis further referred to the continued extensive collaborative work, education and engagement events. She highlighted work with the Fish Telemetry Project and engaged in writing scientific publications with data from the acoustic array.
- 11.4 Dr Jen Lewis mentioned work with Small Fish Surveys and the hope to resume these surveys in Medmerry and Rye. She also informed on crab and lobster potting surveys which have been undertaken in collaboration with Blue Marine Foundation. She added recent work with the Cefas 'One Health' project to collect water and sediment samples from current and historic crab and lobster fishing areas.
- 11.5 Dr Jen Lewis finally stated that engagement with Rampion 2 is something we are working on and made reference to the initial representations letter included in the annexes. She added if any of the members would like a say in this to get in touch with her.
- 11.6 Prof. Peter Jones gave thanks to Dr Jen Lewis and asked members if there were any questions.
- 11.7 Prof. Paul Leonard raised a question on any research work imminent for cuttlefish which he had previously raised at other meetings.

- 11.8 Dr Jen Lewis explained that cuttlefish are included within our shellfish permit data analysis but aside from this we don't have any specific research planned.
- 11.9 Rob Pearson said that there may be an opportunity to work on this under the FMP work with the MMO.
- 11.10 Prof. Paul Leonard wanted to raise that during a meeting he attended yesterday at Cefas there were mentions of grant funding that could be applied for from offshore wind developers such as Rampion 2 and there could be an opportunity to fund research through a grant such as this.
- 11.11 Dr Paul Driver commended the work being carried out by the Conservation and Research team.

ALL agreed to be taken as read.

12 Compliance and Enforcement Update

- 12.1 Angharad Purcell introduced this report advising on the various enforcement activity and intelligence reports that had been generated, various inspections including boardings and premises. She highlighted any sanctions that had been issued or ongoing investigations.
- 12.2 Angharad Purcell made members aware that there are lower IR figures compared to previous quarters due to long periods of bad weather. When there were the weather windows, the focus was sea patrols.
- 12.3 Angharad Purcell mentioned the higher risk fishing activity for the next quarter which officers will primarily focus on.
- 12.4 Angharad Purcell finally advised that by including all the sections in the report we are ensuring we have captured multiple aspects in one report.

ALL RESOLVED to accept the report.

13 Vehicle and Vessel maintenance log

ALL RESOLVED to accept the report.

14 Communications Report

- 14.1 Angharad Purcell stated in the interest of time we are happy to take this as read; she said it is worth noting the larger publicity section to promote the Beachy Head East MCZ.
- 14.2 Angharad Purcell informed on the use of media and social media to highlight the FMP engagement sessions, Ocean Symposium and iVMS grant information.
- 14.3 Angharad Purcell finally added that hard copies of the SxIFCA Annual Report are distributed around the meeting room to be taken if members wish with note of promotion of this on socials and hard copies sent out to stakeholders.
- 14.4 Kim Matthews raised an issue with iVMS in regard to the amps required and some smaller vessels may run into issues with the unit failing to charge if out for a long period.
- 14.5 Paul Johnson advised that this is an MMO matter and there is a dedicated iVMS helpline to aid any issues with this specifically.

ALL RESOLVED to note the report.

15 Chief Officers Group

- 15.1 Rob Pearson introduced this agenda item with a brief overview, making reference to key discussions still focussing on similar themes with FMP workstreams being a key consideration.
- 15.2 Rob Pearson advised that Richard Hoskins and Tim Nixon from the MMO were at SxIFCA yesterday for a meeting and positive to hear they are keen to work with the IFCA's as they start to look at implementation of those measures coming out of FMPs.
- 15.3 Rob Pearson informed members that there is a new intelligence system on the horizon for the IFCAs and is being developed in conjunction with the MMO.

ALL RESOLVED to note the report.

16 Association of Inshore Fisheries and Conservation Authorities

- 16.1 Rob Pearson introduced and informed he is happy for most of this report to be taken as read.
- 16.2 Rob Pearson updated members briefly on the AFICA work with Sarah Coulthard and her project based on evidencing IFCA's co-management approach nationally. He added that she presented at the recent Coastal Futures Conference, the slides are available to members.
- 16.3 Rob Pearson reminded members that AIFCA is still working with the Institute of Fisheries Management on delivering the IFCA briefings. The upcoming briefing will be held on 29th February and is open to IFCA members and staff with a focus on marine planning and licencing. He further added a requirement to register prior which will be circulated to members.

ALL RESOLVED to note the report.

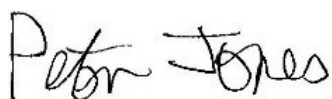
17 AOB

- 17.1 Prof. Peter Jones asked members if they had any other business to raise to which he went round the meeting room.
- 17.2 Gary Edwards raised fish size limits and asked if there was a better way of communicating sizes to the fishing industry.
- 17.3 Rob Pearson advised in relation to the Minimum Size Byelaw that is waiting for confirmation, this will apply to both commercial and recreational fishers. He added that we are in the process of planning our introduction with guidance signage, posters, emails and measurement stickers so that all this information is easily available to them.
- 17.4 Gary Edwards also said this was similar with the MMO in regards to the pollock, which he feels the communication has been fragmented.
- 17.5 Paul Johnson explained that this was a quota management issue and will be addressed through Fishing Licence variations.
- 17.6 Tim Dapling took this opportunity to again welcome Kim Matthews to the committee and asked if, due to his background and knowledge he would like to be appointed onto the Technical Subcommittee.

17.7 Kim Matthews replied in agreement to joining the Technical Subcommittee and the appointment was agreed by members.

18 DATE OF NEXT MEETING

18.1 25th April 2024.

A handwritten signature in black ink that reads "Peter Jones".

Prof. Peter Jones, Chair Sussex IFCA.