

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Hybrid Meeting Virtual/Meeting Room 1, County Hall, Cross Street, Beverley, HU17 9BA

1 DECEMBER 2022 - 09:30 Start

AGENDA

1. Apologies for absence
2. Declaration of Personal or Prejudicial Interests – Members to declare any interests in items on the Agenda and the nature of such interests

Items for decision

3. To take the Minutes of the Meeting held on 8 June 2022 as a correct record, consider any matters arising and authorise the Chairman to sign (*pages 1-8*) **5 minutes**
4. To take the Minutes of the Executive Committee meetings held on 21 September 2022 (*pages 9-12*) **5 minutes**
5. Budget monitoring 2022/2023 (*pages 13-16*) **10 minutes**
6. Levy 2023/2024 (*pages 17-22*) **15 minutes**
7. Marine and Coastal Access Act 2009 (Section 155) – Making of XXIX Humber Estuary Fishing Byelaw 2022 (*pages 23-26*) **10 minutes**
 - 7a. XXIX Humber Estuary Fishing Byelaw 2022 (*pages 27-34*)
 - 7b. XXIX Humber Estuary Fishing Byelaw 2022 RIA (*pages 35-48*)
8. Marine and Coastal Access Act 2009 (Section 155) – Making of XXVIII Shellfish Permit Byelaw 2022 (*pages 49-52*) **25 minutes**
 - 8a. XXVIII Shellfish Permit Byelaw 2022 (*pages 53-64*)
 - 8b. XXVIII Shellfish Permit Byelaw 2022 Conditions (*pages 65-72*)
 - 8c. XXVIII Shellfish Permit Byelaw 2022 RIA (*pages 73-84*)

Items for discussion

9. Chief Officer's Operational Report (*pages 85-124*) **10 minutes**
10. Tees and North Yorkshire Shellfish Mortality update (*pages 125-150*) **15 minutes**
11. Science Advisory Group update (*pages 151-156*) **10 minutes**
12. Fisheries Statutes and Regulations – Prosecutions (*pages 157-160*) **5 minutes**

Items for information

13. Reports from partner Agencies and bodies (*pages 161-166*) **10 minutes**
 - 13(a) Marine Management Organisation
 - 13(b) Environment Agency
 - 13(c) Natural England

14. Any other items, which the Chairman decides, are urgent by reason of special circumstances which must be specified.

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY**AUTHORITY MEETING****08 JUNE 2022****Present:**

Councillor Ron Allcock
 Dr Stephen Axford
 Mr Matthew Barnes
 Councillor David Chance
 Councillor Paul Drake Davis
 Prof Mike Elliott
 Miss Rachel Hanbury
 Councillor Stephen Harness
 Miss Rebecca Lynam
 Councillor Chris Matthews
 Mr Michael Montgomerie
 Mr Gary Redshaw
 Mr Andrew Wheeler
 Councillor Mark Wilkes

Representing:

North Lincolnshire Council
 MMO appointee
 MMO appointee
 North Yorkshire County Council
 Hull City Council
 MMO appointee
 MMO appointee
 North East Lincolnshire Council
 MMO appointee
 East Riding of Yorkshire Council
 MMO appointee
 MMO appointee
 MMO appointee
 Durham County Council

Mrs Caroline Lacey, Clerk, Mr David McCandless, Chief Officer, Mr Stephen Chandler, Treasurer, Mr Tim Smith, Senior Environmental & Scientific Officer, Emma Jones, NEIFCA Support Services Officer, Claire Argent, Natural England representative, Paul Slater, Environment representative and Patrick Gray, MMO representative also attended the meeting.

The Committee met at The County Hall, Beverley, members were also able to attend the meeting via Zoom. The meeting started at 09:30am

01.	APOLOGIES FOR ABSENSE
	Apologies of absence were received from MMO members Collins and Mear, Councillor Members Randerson, Stewart, Smith, and Fletcher.
02.	DECLARATION OF PERSONAL OR PREJUDICIAL INTERESTS
	Resolved –The Clerk asked Members to declare any personal or prejudicial interests in items on the Agenda and the nature of such interests. No interests were declared.
03.	GREETINGS AND INTRODUCTIONS TO NEW MEMBERS AND APPOINTEES
	The Clerk reported that the following new Members had been appointed to the Authority: Councillor Paul Drake-Davis – Hull City Council Mr Matthew Barnes – MMO appointee Miss Rachel Hanbury – MMO appointee

04.	TO ELECT A CHAIRMAN
	The Authority had received two nominations in writing from the current Chair, Dr Stephen Axford and MMO appointee Rachel Hanbury. The Clerk asked the Authority if there were any other nominations. There were no further nominations. Dr Stephen Axford was proposed and seconded and was elected Chairman by a majority vote.
	Resolved - That Dr Stephen Axford, MMO appointee be elected as Chairman for the ensuing year.
05.	TO ELECT A VICE CHAIRMAN
	The Clerk reported that the authority had not received any nominations in writing and asked the membership if there were any nominations at the meeting. Councillor David Chance, North Yorkshire County Council, was nominated by Councillor Matthews and seconded by Councillor Allcock, there were no further nominations. Councillor David Chance was duly elected as Vice Chairman.
	Resolved - That Councillor David Chance be elected Vice-Chairman for the ensuing year.
06.	TO APPOINT AN EXECUTIVE COMMITTEE
	<p>Resolved – That the Chairman, Vice-Chairman Councillors Randerson and Allcock Mr Graham Collins, Mr Andrew Wheeler, Mr Gary Redshaw and Professor Mike Elliott be appointed for the ensuing year.</p> <p>One Local Authority position remained vacant, the Clerk agreed to contact all the Local Authority Representatives to fill the vacant post.</p>
07.	TO CONFIRM MEMBERSHIP OF STANDARDS COMMITTEE
	Resolved - That Councillors Matthews, Randerson and Clerk be appointed for the ensuing year.
08.	TO CONFIRM MEMBERSHIP OF THE SCIENCE ADVISORY GROUP
	Resolved – That Chair, Vice-Chairman Miss Rebecca Lynam, Mr Mark Cole, Mr Graham Collins, Dr Clare Fitzsimmons, Mr Robert Houghton, Professor Mike Elliott, Mr Michael Montgomerie, and representatives from the Marine Management Organisation, Natural England and the Environment Agency be appointed for the ensuing year.
09.	TO APPOINT REPRESENTATIVES TO SERVE AND REPORT QUARTERLY
	Resolved - (a) That the following be appointed for the ensuing year to serve and report quarterly on :-

	<p>Flamborough Harbour Commissioners (2 representatives): Councillor Chris Matthews Mr R Houghton</p> <p>Staithes Harbour Board (4 representatives) Councillor David Chance Mr Steven Mallinson Mr Mark Cole Mr Richard Pennall</p> <p>Councillor Chance indicated his intention to continue representing the Authority on the Staithes Harbour board with other representatives re-appointed subject to their confirmation.</p> <p>(b) That the following be appointed for the ensuing year to attend meetings of:</p> <p>The Association of Inshore Fisheries & Conservation Authorities Forum (3 representatives):</p> <p>Chairman/(the Vice-Chairman to substitute when the Chairman is unable to attend) Clerk or Deputy Clerk Chief IFC Officer</p> <p>(c) That it be noted that the Chief IFC Officer was a Director of The Association of Inshore Fisheries & Conservation Authorities .</p>
10.	MINUTES OF THE AUTHORITY MEETING HELD ON 02 DECEMBER 2021
	Resolved – That the minutes of the Quarterly meeting held on 02 December 2021 be approved as a correct record and signed by the Chair.
11.	MINUTES OF THE EXECUTIVE MEETING HELD ON 10 MARCH 2022
	Resolved – That the minutes of the Executive meeting held on 10 March 2022 be approved as a correct record and signed by the Chair.
12.	NEIFCA FINANCIAL OUTURN 2021/2022
	<p>The Treasurer of the Authority presented a report of the Annual Accounts for NEIFCA for the year ended 2021/22. The report provided the income and expenditure account, detailed balance sheet and position on reserve accounts. The revenue outturn underspend of £121,938 was offset by £9,118 overspend on capital, resulting in a net underspend of £112,809. The £9,118 capital overspend related to the purchase of a new 9.5m Cabin Rigid Inflatable Boat (RIB) and was approved to be funded from 2021/22 underspends at the Executive Meeting on 2 September 2021. It was agreed at the Executive meeting on 10 March 2022 that £30,000 of the underspend at outturn be transferred to the Patrol Vessel Maintenance Reserve to fund the cost of replacing the Electronic Charting Display and Information System (ECDIS) with the remainder of £82,809 to be transferred to the Renewals Fund to contribute towards the replacement of the patrol vessel.</p>

	Resolved - a) That the Statement of Accounts were approved as presented b) That Members Approved the Outturn position
13.	NEIFCA DRAFT ANNUAL REPORT 2021/2022
	The Chief Officer provided members with a draft Annual Report covering the period, 2021/2022, summarising the Authority's outputs and activities during the year. Members were asked to provide any comments or feedback to the Chief Officer by the 29 July 2022.
	Resolved – a) That members note and endorse the report
14.	NEIFCA VESSEL REPLACEMENT PROGRAMME – MAIN VESSEL
	<p>The Clerk, Treasurer and Chief Officer presented a report to update members on progress relating to the replacement of the Authority's main vessel and to seek delegated authority to the Executive Committee to act as the principle working group responsible for overseeing and finalising all associated preparatory work relating to the replacement of the main vessel including the supporting financing model, final vessel specification, procurement processes and proposed process for the sale of the current vessel. At a meeting of the Authority held on 10 September 2015 members received a detailed report from the Clerk and Chief Officer setting out the intended process for the replacement of the Authority's main patrol vessel 'North Eastern Guardian III'. The Authority had continued to set aside funds to replace the vessel into a renewals reserve. The reserve as at 1 April 2022 was projected to stand at £1.360m. The current vessel has a second- hand value currently estimated at £0.900m, giving total funding available of £2.260m and a shortfall in funding of circa £2.25m.</p> <p>Section 179 of the Marine and Coastal Access Act 2009 gives IFCA's the legal power to acquire or dispose of land or property but excludes them from being able to borrow money. The current vessel was purchased with the aid of substantial grant funding. Grant funding had been explored with DEFRA and the MMO and at present there was no available funding to support the purchase of a new vessel and no prospect of grant funding in the short/medium term. DEFRA had confirmed that there was no will to change the underpinning statutory order to enable IFCA's to borrow and have suggested that one of the constituent authorities could borrow monies to support the funding of the vessel. Discussions had also taken place with Hull University and a range of other partners who would be interested in chartering the vessel but have not resulted in any capital contributions. Members were informed that this left 2 possible routes to fund the shortfall, to levy all the relevant councils, or for one of the councils to purchase the boat and lease it to NEIFCA. From a purely financial perspective, East Riding of Yorkshire Council (ERYC) had the capability to facilitate such an arrangement. However, there would be an administrative cost, in addition to the cost of borrowing, which would need to be included within the lease premium and ERYC would need to be assured that the arrangement would not adversely impact its financial position. ERYC would finance the purchase of the vessel through borrowing from the Public Works Loan Board (PWLb) to avoid any significant impact on its liquidity.</p>
	Resolved – a) That members note the report. b) That members support the delegation of authority to the Executive Committee to

	<p>act as the principle working group responsible for finalising all associated preparatory work relating to the replacement of the main vessel including the supporting financing model, final vessel specification, procurement processes and proposed process for the sale of the current vessel.</p> <p>c) That following the completion of the preparatory work, a further special meeting of the Authority is convened to agree next steps.</p>
15.	SHELLFISH MORTALITY TEES & NORTH YORKSHIRE - UPDATE
	<p>The Chief Officer presented a report to update members on the ongoing issues surrounding shellfish mortality in waters surrounding the Tees and North Yorkshire. On the 8th October 2021, officers had started to receive reports of dead or dying lobsters and crab species coming ashore in the lower and outer Tees estuary around South Gare. During November 2021 further reports were received from local fishermen who started to experience reduce catch rates and ‘in pot’ mortality as far South as Scarborough, particularly on fishing grounds closer inshore. Following confirmation of the reports a joint agency response and investigation was launched and coordinated through Defra with the Environment Agency (EA) and the Centre for Environmental Fisheries and Aquaculture Science (CEFAS) taking the lead in gathering and analysing both biological, water and sediment samples, NEIFCA had supported the investigation, working closely with partner agencies. During March 2022 Defra closed the multi-agency response concluding that naturally occurring algal toxins were the most likely cause of the observed shellfish mortalities. Two independent reports produced by the marine specialist acting on behalf of the fishing industry concluded that an anthropogenic chemical, pyridine, was the most likely cause of the mortalities following release from sediments during dredging operations taking place within the Tees Estuary. NEIFCA had continued to work closely with the fishing industry, and had implemented a comprehensive stock monitoring programme in full consultation with the affected industry. The stock monitoring programme included an assessment of trends in catch rates of lobster and crab species, onboard monitoring trips on vessels working in the affected area, potting assessments carried out by North Eastern Guardian III and quayside observational work. Up until the first half of April 2022, outputs from NEIFCA’s monitoring work were generally encouraging with some positive signs of healthy lobsters although catches of crab species remained relatively low. That position changed somewhat towards the end of April beginning of May when a further wash up was confirmed close to South Gare at Redcar consisting of weed material and other marine life including lobsters, crab and some fish species. Alongside this new wash up event officers also started to receive reports of reduced lobster catches, in pot mortality, shellfish displaying symptomatic ‘twitching’ behaviours and the presence of residues of marine detritus on fishing gear. The next steps or ‘recovery phase’ of the multi-agency response had now commenced under the leadership of Defra. Within that process NEIFCA Officers would continue to closely monitor trends and incidents occurring within the affected fisheries in partnership with the local industry and other key agencies including the Marine Management Organisation (MMO), Environment Agency and the Centre for Environment, Fisheries and Aquaculture Science (CEFAS).</p> <p>Patrick Gray gave a verbal update at the meeting to update members on the work carried out by the Marine Management Organisation in relation to the shellfish mortality. Patrick Gray informed members that following the incident, there had been a much more proactive approach around the effected area, there had been an increase in inspections of dredging activity including the monitoring of AIS tracks and onboard inspections. MMO officers were taking all assurances possible to regulate dredging activity in the Tees and Hartlepool.</p>

	Resolved – That the report be noted.
16.	SCIENCE ADVISORY GROUP UPDATE – 4 MARCH & 19 APRIL 2022
	The Chair of SAG & the Environmental & Scientific Manager presented a report to update members on the most recent proceedings of the Science Advisory Group (SAG) following meetings held on 4 March and 19 April 2022.
	Resolved – That the report be noted.
17.	NEIFCA INTERNAL AUDIT REPORT 2021/2022
	The Clerk presented a report to inform members of the findings of the annual audit report. The purpose of the audit is to provide management with assurance about the effectiveness of the controls identified and the exposure to risk that any control weaknesses may cause. The overall assurance opinion was substantial. A sound system of governance, risk management and control exists, with internal controls operating effectively and being consistently applied to support the achievement of objectives in the area audited. The Clerk was pleased to inform members that the new website had been praised as part of the Audit process. A copy of the report was included for members' information.
	Resolved – That the report be noted.
18.	MANAGEMENT OF SCALLOP DREDGING 2022/2023
	<p>The Chief Officer presented a report to support consideration of recommendations for the 2022/2023 fishery. The 2021/2022 fishery commenced on 1 November 2021 and closed on 30 April 2022, in line with previous seasons three vessels were permitted and no major compliance issues were recorded. Analysis of the monthly catch and effort returns submitted by the operators showed no major concerns in terms of the ongoing health and composition of the available stock but due to the impacts of the Covid-19 pandemic on operational activity, no additional habitat or stock survey data had been collected during the last two seasons, outside the monthly catch and effort information provided by the permit holders, so maintaining the current status quo was a sensible precautionary measure. The intention was therefore to re-open the fishery on 1 November 2022 and a maximum of three permits be offered in accordance with the draft procedure attached to the report.</p> <p>Members were informed that in the medium term, further investigatory work is being planned on the fishery following representation from both the scallop permit holders and the potting sector. This work will look at the feasibility of altering the closed season to run from December to May rather than November to April as current and potential adjustments to the defined scallop dredging areas. Once commenced, this work would be overseen by the Science Advisory Group with any formal recommendations for change considered by the Executive Committee. One of the members at the meeting commented that the scallop fishery is in excellent condition and the quality of the juvenile stock is very high, the member did also comment that there are some concerns from the permitted vessels that static gear is been stored in</p>

	the scallop dredging area.
	Resolved – That the report be noted.
19.	MANAGEMENT OF PERMITTED INTERTIDAL AND SUB-TIDAL NET FISHERIES 2022/2023
	The Chief Officer presented a report to update members on the planned process and timelines for opening the Holderness Coast permitted intertidal and sub-tidal fixed net fisheries on 1 October 2022. It was proposed that applications for both intertidal and sub-tidal permits are opened on 11 July 2022 with a provisional closing date of 29 July 2022.
	Resolved – That the report be noted.
20.	CHIEF OFFICERS OPERATIONAL REPORT
	<p>The Chief Officer presented a report to provide members with a comprehensive and detailed operational summary covering the period December 2021 to April 2022. Since the last update provided to members at the meeting held on 2 December 2021 several operational staff had contracted Covid-19 and although most had experienced strong symptomatic conditions, in general, they have been able to return to work following a week's recovery at home. From an operational perspective the Authority had now moved to more 'normalised' work arrangements. The report included information on the Tees & North Yorkshire Shellfish mortalities and the Review of the North East Coast Limitation of Net Licences Order, the Environment Agency had recently launched a consultation on future management options to replace the order. The consultation expires on 17 June 2022.</p> <p>The Chief Officer also highlighted the forthcoming statutory review into the conduct and operation of Inshore Fisheries and Conservation Authorities which was expected to report sometime during Autumn 2022.</p>
	Resolved – That the notes be received.
21.	FISHERIES STATUTES AND REGULATIONS - PROSECUTIONS
	The Clerk submitted a report on the fisheries enforcement activities taken by the Authority for the period December 2021 to April 2022.
	Resolved - That the notes be received.
22.	REPORTS FROM PARTNER AGENCIES AND BODIES

	The Environment Agency partner briefing papers had been circulated prior to the meeting, papers from the Marine Management Organisation and Natural England were unavailable at the time of printing. Claire Argent from Natural England and Paul Slater from the Environment Agency gave a verbal update at the meeting.
23.	ANY OTHER BUSINESS
	Nothing to report.
	The meeting closed at 11.30am.

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

MEETING OF THE EXECUTIVE COMMITTEE

21 SEPTEMBER 2022

Present

Dr Stephen Axford
Prof Mike Elliott
Cllr Ron Allcock
Mr Graham Collins

Representing

Chairman
MMO appointee
North Lincolnshire Council
MMO appointee

Clerk Caroline Lacey, East Riding of Yorkshire, Stephen Chandler, Treasurer, East Riding of Yorkshire Council and David McCandless, Chief Officer also attended the meeting.

The meeting took place at County Hall, Beverley, members also had the option to dial into the meeting via zoom, the meeting commenced at 10.30am.

32.	APOLOGIES
	Apologies for absence were received from Councillor Randerson and Mr Gary Redshaw
33.	DECLARATION OF PERSONAL OR PREJUDICIAL INTERESTS
	Resolved – The Clerk asked Members to declare any personal or prejudicial interests with respect to items on the Agenda and the nature of such interests. No such interests were declared.
34.	TO TAKE NOTES OF THE MEETING HELD ON 10 MARCH 2022 AS A CORRECT RECORD
	Resolved – That the minutes of the meeting held on 10 March 2022 be approved as a correct record and signed by the Chairman.
35.	BUDGET MONITORING
	The Treasurer presented a report to advise Members of the budget position at the end of month 04 (July) 2022/2023. At the end of July 2022, the Authority has net expenditure of £425,921 against an expected £438,838 underspending by £12,918. The forecast outturn underspend is £33,254 mainly due to recharge income from NEIFCA employees working on the European Lobster Settlement Index project. It was anticipated that the outturn position will be an underspend of £33,254 in addition to the planned transfer of £102,900 plus accrued interest into the Renewals Fund and £10,000 into the Vehicle Replacement Reserve. In August 2022 the Authority's patrol vessel, the North-East Guardian III experienced mechanical engine failure in the main engine. Following an initial in-situ inspection by engineers the main engine and second engine were removed and transferred to NEIFCA's storage facility in Whitby. A further inspection recommended repairs to the main engine along with an overhaul of the second engine as well as the gearboxes. Quotes were obtained from the manufacturer,

	<p>Finning/CAT, and a decision to award the contract and commence a detailed inspection has been taken under the 'For urgent repairs to plant or machinery' and 'Repairs to plant or machinery which can only be carried out by the manufacturer' exemptions in the Standing Orders. The total cost of the work was uncertain but was currently estimated to be up to £300,000. NEIFCA's vessel insurers had been informed. The cost to be funded by NEIFCA could be in the range of £180,000 to £300,000 depending on the assessment made by the insurers. Once the work is undertaken, this will significantly increase the value of the vessel when sold. Due to the additional financial pressure on NEIFCA it was proposed that the planned £30,000 expenditure on replacing the Electronic Charting Display and Information System (ECDIS) funded from the Patrol Vessel Maintenance Reserve and approved by the Executive on 10 March 2022 is no longer progressed. It is proposed that a supplementary budget is approved in principle to allow the cost of the engine repair and overhaul to be funded by a combination of in-year underspends, the Patrol Vessel Maintenance Reserve, and any insurance settlement, with the remaining balance to be funded from the Renewals Fund.</p>
	<p>Resolved – (a) That the budget monitoring position is noted.</p> <p>(b) That a supplementary budget to fund the cost of the repair of the main engine on the patrol vessel, North-East Guardian III and associated refurbishment of the second engine, currently estimated to cost £300,000 is approved in principle, funded by a combination of in-year underspends, vessel insurance, the Patrol Vessel Maintenance Reserve and Renewals Fund.</p> <p>(c) That the planned £30,000 expenditure on replacing the Electronic Charting Display and Information System (ECDIS) funded by the Patrol Vessel Maintenance Reserve and approved by the Executive on 10 March 2022 is no longer progressed.</p>
36.	STRATEGIC AND OPERATIONAL RISK REGISTER REVIEW
	<p>The Clerk presented a report to inform members that in accordance with the Authority's Risk Management Strategy, a six monthly review of the Strategic and Operational Risk Registers has been undertaken and is reported for information.</p> <p>Considerations surrounding the current vacancy for the Senior Environmental Officer were discussed with the position being a key leadership role. Recruitment is ongoing with Environmental Officer Ralf Bublitz taking an interim role.</p> <p>Current standing orders to be reviewed regarding 'in person' meeting attendance and hybrid decision making.</p>
	<p>Resolved – That the revised Strategic and Operational Risk Register be reviewed in six months' time.</p>
37.	EXCLUSION OF THE PUBLIC
	<p>That the public be excluded from the meeting for consideration of the following item (Minutes 38) on the grounds that it involves the likely disclosure of exempt information defined in Paragraphs 8 and 9 of part 1 of Schedule 12A of the Local Government Act 1972.</p>
	<p>Resolved – that the public be excluded from the meeting for consideration of the following item (minutes 38).</p>
39.	CHIEF OFFICERS OPERATIONAL UPDATE
	<p>The chief officer presented a report to provide an operational update covering the period June to August 2022.</p> <p>The report focused on the serious engine failure of North Eastern Guardian III. Having the main vessel out of commission for a period will undoubtedly impact on service delivery in terms</p>

	<p>of offshore enforcement and compliance work and the planned offshore survey programme including the European Lobster Settlement Index (ELSI) project. A proportion of offshore enforcement and compliance work can be covered by the Authority's stand-alone rigid inflatable boats (RIBS) but this is highly dependent on favourable weather with operations restricted to more central areas of the IFCA district.</p> <p>Members discussed the considerations of a prolonged period of time without the main patrol vessel and the long-term impact on the annual plan. Northumberland IFCA and HFIG can provide short term support for imminent projects and enforcement.</p> <p>Members also discussed the upcoming vessel replacement project under a finance arrangement managed by East Riding of Yorkshire Council (ERYC) with oversight delegated to the Executive Committee. Officers are now working up a project plan incorporating key milestones and timelines. This initial work also included the identification of potential manufacturers and the development of and circulation of an outline specification to gauge interest. Once the project plan has been set and the early preparatory work has advanced, a programme of Executive Committee meetings will be scheduled to support key decision making.</p> <p>An update was given on current Shellfish Management Proposals with a new byelaw discussed. Officers are currently collating responses from the informal consultation and preparation for formal consultation will be underway shortly.</p> <p>Members discussed the ongoing situation with the Tees and North Yorkshire Shellfish Mortality incident. Lobster landings have increased throughout the district in line or above mean seasonal trends. Landings of edible crab, however, have remained low particularly at Redcar and Whitby alongside growing concern about the potential impacts of the larger, offshore fishery on associated stocks. Officers are continuing to work actively with the potting sector through regular meetings, closely monitoring landings and trends in catches and carrying out observer and monitoring trips to sea. Continuing collaborative work had also been maintained with partner agencies including the Environment Agency (EA), Marine Management Organisation (MMO) and the Centre for Environment Fisheries and Aquaculture Science (CEFAS). Officers have also actively engaged in the independent collaborative research commissioned directly by the Whitby fishing industry group through the Authority's Science Advisory Group. Some key concerns remain over the long-term impacts of the shellfish mortality event particularly on crab stocks and the wider marine environment, but these can only be fully assessed through the extent of a full fishing season.</p> <p>Covid-19 remained a consideration but operational activity had now moved to 'business as usual'. In terms of ensuring the continuing protection of staff from the effects of the Covid-19 virus, the focus had shifted to maintaining sensible precautionary measures with staff receiving free testing kits.</p> <p>The Chief Officer updated on National workstreams focusing on the report into the Conduct and Operation of IFCA's carried out every 4 years and due in 2022. The first stage would involve the submission of a self-assessment from each IFCA Chief Officer, which members requested be circulated amongst the authority. Members would also be asked to take part in the review electronically.</p>
	Resolved - (a) Members noted the report
40.	NEIFCA HEALTH AND SAFETY POLICY & SAFE WORKING PRACTICES 2022/2023
	<p>The Chief Officer presented a report to inform members of the completion of the Annual review of the Authority's Health & Safety provisions. The Chief Officer was pleased to advise that there had been no notable incidents or accidents to report. The Chief also reassured members that all staff are correctly trained in all aspects of their role and will continue to monitor this on a regular basis.</p>
	Resolved – Members noted the report.

41.	NEIFCA PERMITTED INTERTIDAL FIXED NET FISHERY
	<p>The Chief Officer presented a report to update members on revised arrangements for administering the Holderness Coast permitted intertidal fishery during the period 1 October 2022 to 30 April 2023. At the Authority meeting held on 8 June 2022 members received a report outlining proposed arrangements for assessing applications and issuing permits for the 2022/2023 fixed net fisheries. Members were advised that if there were to be any unforeseen changes in the legislative framework officers would consult again prior to taking any further action. Whilst the supporting national legislative framework has remained unchanged the Authority's legal advisors have been managing a sustained external challenge directed at the permitted intertidal fixed net fishery. That challenge continued to focus on the extent of sea bass catches taken within the fishery and the number of nets permitted to be set. Although officers consider that the current byelaw provisions do not technically breach national legislation, following extensive consideration, independent legal guidance and consultation with Defra, it now intended to apply an additional voluntary code on the five intertidal permit holders. This voluntary code would require each permit holder to set just one section or length of net up to a maximum length of 250m which must carry a unique tag issued by NEIFCA. Permit holders would also be required to take what steps they can to minimise the take of sea bass within the associated fishery. This voluntary arrangement would apply between 1 October 2022 and the 30 April 2023 inclusive. Members unanimously agreed to endorse the arrangements.</p>
	<p>Resolved – (a) Members note the report. (b) Members endorse the arrangements.</p>
42.	ANY OTHER BUSINESS
	Nothing to report.
	The meeting closed at 12:03

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Authority Meeting
1 December 2022

BUDGET MONITORING 2022/23

Report by the Treasurer

A. Purpose of Report

To advise Members of the budget position at the end of month 07 (December) in 2022/23.

B. Recommendations

- i. That the budget monitoring position is noted.
- ii. That a supplementary budget to fund the revenue costs of the patrol vessel replacement project of £10,000 in 2022/23 and £20,000 in 2023/24 is approved, funded by the Renewals Fund reserve.
- iii. That a supplementary budget to fund the additional cost of supporting DEFRA's Fisheries Management Plan programme of £7,000 in 2022/23 and £43,000 in 2023/24 is approved, funded by grant income, and the forecast balance at outturn is transferred to the External Projects reserve.

1. Introduction

- 1.1 A detailed budget monitoring exercise is undertaken monthly by the Treasurer in consultation with the Chief Officer. This analyses individual budget lines in terms of the current expenditure and allows for projections to the end of the financial year.
- 1.2 This report provides the overall position and any areas whereby an explanation is required of any notable variance on the Authority's spending to the end of October 2022.
- 1.3 At its meeting on 2 December 2021, the Authority set a levy totalling £1,337,343 for the current financial year, including £102,900 plus accrued interest transferred to the Renewals Fund and £10,000 transferred to the Vehicle Replacement Reserve.

2. Revenue Expenditure to 31 October 2022

- 2.1 Appendix A summarises the expenditure and income for the Authority for the seven months to September of the financial year and compares it with the budget. The appendix shows both subjective and objective net expenditure for the period.
- 2.2 At the end of October 2022, the Authority has net expenditure of £661,028 against an expected £678,632 underspending by £17,604. The forecast outturn underspend is £24,754 mainly due to additional one-off recharge income from NEIFCA employees working on the European Lobster Settlement Index project.

The main variances are:

- Employee underspends of £7,299 – mainly due to underspends on additional hours due to reduced hours being worked following the engine failure of the patrol vessel. The forecast includes estimated cost of the £1,925 Local Government Employers pay award due to be paid to staff in November 2022.
 - Patrol vessel running costs underspend of £973. The patrol vessel fuel budget of £65,000 has been forecast to outturn in line with budget. The impact of increased fuel prices has been offset by reduced usage following the patrol vessel breakdown in August.
 - Vehicle running costs overspends of £1,379 mainly due to increased fuel costs.
 - Grants & contributions underspend of £26,082 due to £17,500 recharge income from staff time and vessel hire by the European Lobster Settlement Index project which is fully funded by DEFRA and £8,690 prosecution income.
- 2.3 It is anticipated that the outturn position will be an underspend of £24,754 in addition to the planned transfer of £102,900 plus accrued interest into the Renewals Fund and £10,000 into the Vehicle Replacement Reserve.

3. Patrol Vessel Engine Repairs

- 3.1 A supplementary budget of up to £300,000 funded by a combination of in-year underspends, vessel insurance, the Patrol Vessel Maintenance Reserve and Renewals Fund was agreed in principle at the Executive Meeting on 8 September 2022. Repairs are almost complete and electrical testing is underway. The total cost of the work is yet to be finalised and the insurance assessors report is awaited.

4. Patrol Vessel Replacement

- 4.1 It was agreed at the Authority Meeting on 8 June 2022 that the option of ERYC purchasing the vessel and leasing it to NEIFCA would be explored and members delegated authority to the Executive Committee to act as the principal working group to oversee the preparatory work. Work has commenced on pre-market engagement to identify potential suppliers and draw up the vessel specification. It is proposed that a supplementary budget of £10,000 in 2022/23 and £20,000 in 2023-24 is approved, funded from the Renewals Fund reserve, to fund the associated additional staffing and travel costs.

5. Fisheries Management Plan Programme

- 5.1 The Department for Environment Food and Rural Affairs (DEFRA) has developed Fisheries Management Plans (FMPs) as a new policy tool to implement the objectives of the Fisheries Act 2020. IFCA's have been asked to support the 3-year programme and will

receive additional funding to support the DEFRA led FMP programme, help co-ordinate communications & engagement with inshore fisheries communities and contribute fisheries management experience through technical advice and evidence to support policy development and implementation. NEIFCA have been awarded £50,000 for 2022/23 with the funding for the second and third years yet to be announced. It is proposed that the funding will be used to create a fixed-term Environmental Officer post, initially for one year to support the programme and approval to establish a supplementary budget of £7,000 in 2022/23 and £43,000 in 2023/24 is requested fully funded by the grant. It is proposed that the forecast balance of the grant as at 31 March 2022, of £43,000, is transferred to the External Projects reserve at the financial year end.

Contact Officer

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Principal Accountant, East Riding of Yorkshire Council

Stephen Chandler
Treasurer

Background Papers: NEIFCA Monitoring File

NEIFCA Budget Monitoring Report as at October 2022

	<i>Approved Budget</i>	<i>Profiled Budget to Month 7</i>	<i>Actual to Month 7</i>	<i>Variance to Profile</i>	<i>Projected Outturn</i>	<i>Variance to Projected</i>
	£	£	£	£	£	£
EXPENDITURE						
Employee Expenses						
Pay, NI and Superannuation	773,340	451,115	425,018	-26,097	766,614	-6,726
Other Employee Costs	83,000	19,000	37,927	18,927	82,427	-573
Premises	17,530	10,226	14,308	4,083	17,922	392
Transport						
Patrol Vessel Running Costs	197,820	115,395	118,974	3,579	196,847	-973
Vehicle Running Costs	37,060	21,618	17,830	-3,788	38,439	1,379
Travel and Subsistence	18,460	10,768	13,146	2,378	16,953	-1,507
Supplies and Services	176,120	66,657	110,771	44,115	184,231	8,111
Support Services	98,200	1,225	1,567	342	99,425	1,225
	1,401,530	696,004	739,542	43,538	1,402,858	1,328
INCOME						
Grants and Contributions	-23,000	-13,417	-33,975	-20,559	-49,082	-26,082
Other Income	-154,090	-3,955	-44,539	-40,584	-154,090	0
	-177,090	-17,372	-78,514	-61,143	-203,172	-26,082
NET EXPENDITURE	1,224,440	678,632	661,028	-17,604	1,199,686	-24,754

	<i>Approved Budget</i>	<i>Profiled Budget to Month 7</i>	<i>Actual to Month 7</i>	<i>Variance</i>	<i>Projected Outturn</i>	<i>Variance to Projected</i>
	£	£	£		£	
NET EXPENDITURE						
Central / Headquarters	431,690	180,928	180,574	-354	419,209	-12,481
Land Based Operations	127,970	74,649	70,651	-3,998	129,537	1,567
Offshore Operations	532,270	310,491	310,477	-13	534,199	1,929
Environment	132,510	77,298	64,059	-13,239	116,741	-15,769
Grant Aided Projects	0	0	0	0	0	0
	1,224,440	643,365	625,761	-17,604	1,199,686	-24,754

	<i>Approved Budget</i>	<i>Profiled Budget to Month 7</i>	<i>Actual to Month 7</i>	<i>Variance</i>	<i>Projected Outturn</i>	<i>Variance to Projected</i>
	£	£	£		£	
REPRESENTED BY						
Annual levy on Local Authorities	-1,298,400	-1,298,400	-1,337,344	-38,944	-1,298,400	0
Contribution to Vehicle Replacement	10,000	0	0	0	10,000	0
Contribution to Renewals Fund	102,900	0	0	0	102,900	0
	-1,185,500	-1,298,400	-1,337,344	-38,944	-1,185,500	0

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Authority Meeting
1 December 2022

LEVY 2023/24 - 2025/26

Report by the Treasurer

A. **Purpose of Report**

To determine the levy on member local authorities for 2023/24.

To highlight issues relating to the setting of the levy for 2024/25 and 2025/26.

B. **Recommendations**

- (i) That the levy increase for 2023/24 be considered by the Authority and the Clerk be authorised to issue demands on the relevant local authorities (a 3% increase), as presented at Appendix A.
- (ii) That the Authority acknowledges the issues affecting NEIFCA and their effect upon the levy for 2024/25 and 2025/26, which is anticipated to be a minimum of a 2% increase each year.
- (iii) That a detailed budget for 2023/24 be brought to the Authority for approval at the Executive meeting in March 2023.

1. **Background**

- 1.1 NEIFCA is a statutory body, made by Order on the 1 October 2010 and vested with its full powers on 1 April 2011. Article 16 of the Order sets out that 'the expenses incurred by the Authority must be defrayed by the relevant councils', therefore NEIFCA has levying powers on the relevant councils. The relevant councils and the proportion of expenses that each must bear are set out in the Order and are shown at Appendix A.
- 1.2 In accordance with standing orders, all precepts or orders for the payment of money which the Authority from time to time may issue to respective councils shall require the consent of the majority of the council representatives attending such meeting.
- 1.3 Any motion to veto the total amount of expenses incurred by the Authority, must be sent in writing to the Clerk at least three clear working days before the meeting of the Authority. The Authority must give notice in writing of that motion to each Council member.

2. Levy Considerations and Proposals

- 2.1 At its meeting on 2 December 2021, the Authority set a levy totalling £1,337,343 including £100,000 plus accrued interest transferred to the renewals fund and £10,000 transferred to the vehicle replacement fund. The levy had been fixed at £1,139,521 from 2011/12 to 2016/17, meaning the 2017/18 increase was the first for 6 years. For 2018/19 and 2019/20, increases were agreed covering the cost of pay increases, however in 2020/21 an increase of 5% was agreed to fund both the annual pay increase (2.75%) and to support the staffing and organisational review. The 2021/22 levy was increased by 1% to cover the cost of increases in pay. The 2022/23 levy was increased by 3% to cover the cost of increases in pay and inflation offset by savings within supplies and services budgets. Indicative increases of 2% for 2023/2024 and 2024/25 were proposed but not agreed.
- 2.2 The Bank of England's November monetary policy report describes an extremely challenging outlook for the UK economy, which is expected to be in recession for a prolonged period, and CPI inflation remains high at over 11% in the near term. The increase in inflation is mainly due to increases in the price of energy following Russia's invasion of Ukraine, goods supply issues following the Covid-19 pandemic and the reduction in the size of the labour market. This has resulted in employers having to offer higher wages and further increases in prices. The Bank of England has raised interest rates to help inflation return to the 2% target. Interest rates have increased to 3% in November and are expected to continue to rise to 5.2% in December 2023 before stabilising around 2024. Inflation is forecast to fall to 7.4% in 2023 and 0.6% in 2024. NEIFCA is experiencing the increase in inflation as a pressure on wages, energy, fuel and other supplies. In the Autumn Statement on 17 November the Chancellor announced that local authorities would still receive an increase in funding in 2023-24 and 2024-25 and that the government is seeking recommendations from Pay Review Bodies where applicable for pay awards for 2023-24. It is not yet known how this will impact on the specific grant local authorities receive for Inshore Fisheries and Conservation and in relation to potential future pressure on resources from other agencies on NEIFCA to perform additional work previously undertaken by them.
- 2.3 The National Joint Council (NJC) Local Government Pay Award for 2022/23 was agreed at £1,925 increase on all at pay points which is a 10.5% increase for the lowest grades. The higher than anticipated pay award is offset by the reversal of the 1.25% increase in Employers' National Insurance from 6 November 2022. It is forecast that the pay award will be 2.5% in 2023/24 and 2% in 2024/25 and 2025/26. The levy proposals for 2023/24 and the apportionment of this levy between the relevant councils are shown at Appendix A.
- 2.4 The pay award and inflationary pressures require a levy increase of 3%.
- 2.5 In putting forward these proposals the Clerk, Treasurer and Chief Fisheries Officer are mindful that the funding authorities are facing financial pressures of their own, in particular the pressure from the increasing cost of energy, goods and wages. The current outlook remains uncertain due to impact of future spending reductions announced in the Autumn statement, reduced income from fees and charges to the increase in cost of living and delays in the reform of local government funding. With this in mind the increase in the levy is proposed to be 3% in 2023/24.

3. Reserves

- 3.1 The NEIFCA General Reserve is forecast to be £228,450 as at 1 April 2023 (Appendix B).
- 3.2 In August 2022 the Authority's patrol vessel, the North-East Guardian III experienced mechanical engine failure in the main engine. It was recommended that repairs to the main engine were required along with an overhaul of the second engine. Repairs are almost complete and electrical testing is underway. A supplementary budget of up to £300,000 funded by a combination of in-year underspends, vessel insurance, the Patrol Vessel Maintenance Reserve and Renewals Fund was agreed in principle at the Executive Meeting on 8 September 2022.
- 3.3 The replacement of the patrol vessel remains a key risk for the Authority included within the Levy proposals is a contribution to the renewals reserve of £102,900. It was agreed at the Authority Meeting on 8 June 2022 that the option of ERYC purchasing the vessel and leasing it to NEIFCA would be explored and members delegated authority to the Executive Committee to act as the principal working group to oversee the preparatory work including finalising the proposed financing plan through ERYC, developing the procurement documentation including vessel specification and a parallel process to support the sale of the current vessel. Once all the preparatory work is complete a further special meeting of the Authority will be convened to approve the next steps and all Councils would need to agree an increase to the annual levy to fund the ongoing lease costs over and above the annual set-aside to the reserve of £102,900.
- 3.4 Excluding any call on the Renewals Fund towards the cost of repairs to the North-East Guardian III, and assuming that the proposed supplementary budget in the October budget monitoring is approved, the balance on the reserve is forecast to be £1,497,826 as at 1 April 2023.
- 4. Determination of Levy for 2024/25 and 2025/26**
- 4.1 Indicative increases in the Levy of a minimum of 2% to cover the cost of increases in pay are proposed in 2024/25 and 2025/26.

Contact Officer

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Stephen Chandler
Treasurer

Background Papers: NEIFCA\2023-24\Levy\Levy Requirements 2023-24

Appendix A

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY LEVY 2023/24

LOCAL AUTHORITY	Allocation	2022/23	2023/24	Increase
	%	£	£	£
Durham County Council	5.56	74,356	76,587	2,231
East Riding of Yorkshire Council	22.22	297,158	306,073	8,915
Hartlepool Borough Council	2.77	37,045	38,156	1,111
Hull City Council	11.11	148,579	153,036	4,457
North East Lincolnshire Council	11.11	148,579	153,036	4,457
North Lincolnshire Council	5.56	74,356	76,587	2,231
North Yorkshire County Council	22.22	297,158	306,073	8,915
Redcar and Cleveland Borough Council	2.77	37,045	38,156	1,111
South Tyneside Metropolitan Borough Council	5.56	74,356	76,587	2,231
Stockton on Tees Borough Council	5.56	74,356	76,587	2,231
Sunderland City Council	5.56	74,356	76,587	2,231
		1,337,343	1,377,464	40,120

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY RESERVES

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY		
RESERVES		
General Reserve	2022/23	2023/24
	£	£
Balance brought forward	228,450	228,450
Usage	0	0
Transfer to Renewals Fund	0	0
Balance carried forward	<u>228,450</u>	<u>228,450</u>
Patrol Vessel Maintenance	2022/23	2023/24
	£	£
Balance brought forward	80,000	80,000
Transfer from Revenue	0	0
Transfer to Revenue	0	0
Balance carried forward	<u>80,000</u>	<u>80,000</u>
External Projects	2022/23	2023/24
	£	£
Balance brought forward	0	43,000
Transfer from Revenue	43,000	0
Transfer to Revenue	0	-43,000
Balance carried forward	<u>43,000</u>	<u>0</u>
Vehicle Replacement Reserve	2022/23	2023/24
	£	£
Balance brought forward	12,782	22,782
Transfer to Revenue	0	0
Transfer from Revenue	10,000	10,000
Balance carried forward	<u>22,782</u>	<u>32,782</u>
Renewals Fund	2022/23	2023/24
	£	£
Balance brought forward	1,360,172	1,497,826
Transfer from Revenue	127,654	102,900
Transfer from General Reserve	0	0
Transfer to Revenue	10,000	20,000
Balance carried forward	<u>1,497,826</u>	<u>1,620,726</u>
TOTAL USEABLE RESERVES	<u><u>1,872,058</u></u>	<u><u>1,961,958</u></u>

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Authority Meeting
1 December 2022

Marine and Coastal Access Act 2009 (Section 155)
XXIX Humber Estuary Byelaw 2022

Report by the Clerk and Chief Officer of the Authority

A. Purpose of Report

To inform Members of the intention to make the following byelaw regulation in accordance with the duty imposed by section 153 and the provisions contained within sections 155, 156, 158 and 160 of the Marine and Coastal Access Act 2009:

XXIX Humber Estuary Byelaw 2022

B. Recommendation

1. That the Authority approves the making of the byelaw.
2. That the Authority instructs the Clerk to give requisite notice by advertisement of the intention to apply to the Secretary of State for confirmation of the said byelaw.

1. Background

- 1.1 The Humber Estuary Fishing Byelaw XXIX was introduced in 2014 under the revised approach to protect a bed of dwarf eelgrass *Zostera noltei* (*Z. noltei*) present along the intertidal grounds at Spurn Point from fishing activity and bait digging. These eelgrass beds provide key ecosystem services including nursery and refuge grounds for fish, foraging grounds for birds, sediment stabilisation, nutrient cycling and carbon sequestration. However, this species is highly sensitive to smothering from shifting sediment which can be caused by disturbance from fishing activity, bait digging and natural erosion.
- 1.2 Annual surveys of the eelgrass bed have been conducted in conjunction with Yorkshire Wildlife Trust since the introduction of the byelaw, with data compared across years to determine the stability (number of years present) of the eelgrass bed. The initial boundary of the protected areas was defined based on the presence of the eelgrass bed in 2014. There is now sufficient data to indicate stable presence of eelgrass outside the existing protected area. To ensure sufficient protection of the designated feature officers propose altering the offshore extent of the protected area.
- 1.3 The Conservation of Habitats and Species Regulations 2017 requires that the IFCA exercise its functions, which are relevant to marine conservation, so as to secure compliance with the requirements of the Habitats and Birds Directives. Altering the

boundary of the protected area to encompass the known distribution of *Z. noltei* ensures continued compliance with the Regulations.

- 1.4 The accompanying Humber Estuary Regulatory Impact Assessment (RIA) provides an evidence base on the impacts of trawling/fishing on seagrass beds, reviews the sectors affected and presents an analysis of costs and benefits. The preferred option presented within the Humber Estuary RIA is option 1: IFCA byelaw to prohibit potentially damaging gears and methods over the intertidal seagrass bed sub-feature/supporting habitat with appropriate buffering.
- 1.5 This revised boundary will provide a buffer for new growth and further expansion of the eelgrass bed in the future and reduce the need to revise the boundary again should the distribution of the species continue to increase. The Humber Estuary Fishing Byelaw XXIX provides a local measure that complements national regulations in achieving sustainable management, through the protection of designated habitats and species.
- 1.6 The intention to revise the byelaw was raised at the meeting of the Authority on 2 December 2021 (Minute 7). At this meeting members delegated oversight of the review of the byelaw to the Science Advisory Group and the formal making of any new replacement regulation to the NEIFCA Executive Committee. The initial draft of the revised Humber Estuary Fishing Byelaw XXIX was presented to the Science Advisory Group on 4 March 2022, where members voted in favour of the suggested boundary changes (Minute 6).

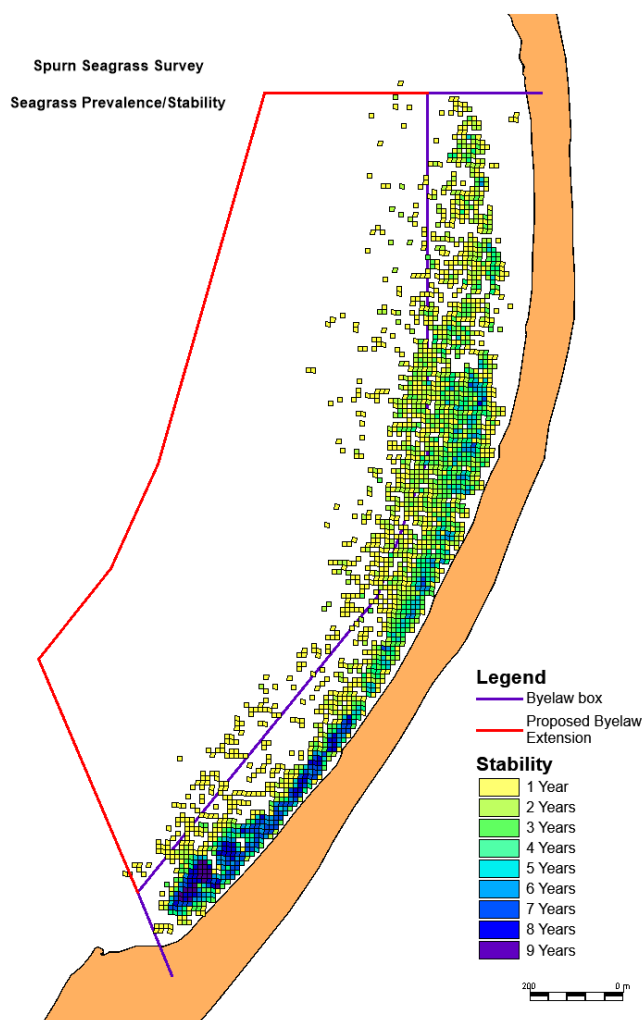


Figure 1. Spurn Point Seagrass Area with the boundary of the current protected area within the Humber Estuary Byelaw XXIX (black), the proposed extension to the Spurn Point Seagrass Area (red) and the stability of eelgrass (*Z. nollet*). Data derived from annual surveys undertaken between 2013 and 2021.

1.7 A copy of the draft byelaw and supporting RIA is attached for members information

2 Next Steps & Provisional Timetable

Providing members support the making of the byelaw a realistic timetable for confirmation and implementation is projected s follows:

1. Formal making – 1 December 2022
2. Final internal quality assurance checks complete – 10 December 2022
3. Final draft documents subject to MMO quality assurance complete – 27 January 2023
4. 28 day statutory consultation process complete – 10 March 2023
5. Application for confirmation lodged – 31 March 2023
6. Final Confirmation – 28 April 2023
7. Implementation post 28 April 2023

Contact Officer

Samira Anand

Environmental & Scientific Officer

Ext 3692

7a



NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

MARINE AND COASTAL ACCESS ACT 2009 (c.23)

XXIX Humber Estuary Fishing Byelaw 2022

The Authority for the North Eastern Inshore Fisheries and Conservation District in exercise of its powers under sections 155 and 156 of the Marine and Coastal Access Act 2009 makes the following byelaw for that District.

1. Interpretation

In this byelaw:

- (a) all coordinates are derived from the World Geodetic System 1984 datum;
- (b) 'the Authority' means the North Eastern Inshore Fisheries and Conservation Authority as defined in articles 2 and 4 of the North Eastern Inshore Fisheries and Conservation Order 2010 (S.I. 2010 No. 2193);
- (c) 'the baselines' means the 1983 baselines as defined in the North Eastern Inshore Fisheries and Conservation Order 2010;
- (d) 'dig' includes the use of any rake, spade, fork, pump or similar device, hand gathering or collecting;
- (e) 'the District' means the North Eastern Inshore Fisheries and Conservation District as defined in articles 2 and 3 of the North Eastern Inshore Fisheries and Conservation Order 2010;

- (f) 'existing shareholders' means the shareholders as detailed on a vessel's Certificate of Registry on the date of confirmation of this byelaw;
- (g) 'general trawl permit' means a permit issued by the Authority in accordance with the provisions contained within the byelaw with the title 'III Trawling: Prohibition: Exceptions' made by North Eastern Sea Fisheries Committee on 30 July 2002 in exercise of its powers under Section 5 of the Sea Fisheries Regulation Act 1966 (c.38);
- (h) 'Humber Estuary' means the area as defined in the Schedule;
- (i) 'Humber Estuary Trawling Permit' means a permit issued by the Authority in accordance with paragraphs 3 and 4;
- (i) 'registered fishing vessel' means a fishing vessel registered in accordance with the Merchant Shipping Act 1995 (c.21) or registered in the Channel Islands or the Isle of Man, and which holds a current fishing licence issued by the appropriate UK fisheries department;
- (j) 'separator trawl or sorting grid' means an attachment to the trawl which complies with the provisions contained within Section 3(1) of the Shrimp Fishing Nets Order 2002 (S.I. 2002, No 2870);
- (k) 'Spurn Point Seagrass Area' means the area as defined in the Schedule;
- (l) 'three nautical mile limit line' means a line drawn three nautical miles seaward of and running parallel to the baselines;
- (m) 'track record' means documentary evidence of commercial catch and landings.

2. Prohibitions

- (a) A person must not trawl within the Humber Estuary unless that person holds a valid Humber Estuary Trawling Permit.
- (b) A person must not trawl, dig, or use a pot, trap, net, longline, dredge or similar device within the Spurn Point Seagrass Area.
- (c) A person must not remove sea fisheries resources from the Spurn Point Seagrass Area.
- (d) Paragraph (c) does not apply to a person fishing for or removing sea fisheries resources by means of a rod and line.

3. Humber Estuary Trawling Permits – Applications

- (a) Vessels may apply for a Humber Estuary Trawling Permit up to six months from the date of this byelaw coming into force.
- (b) Applicants must apply using a form obtained from the Authority website.
- (c) Applications will only be accepted from the owner of a vessel meeting the following criteria:
 - (i) the vessel is a registered fishing vessel;
 - (ii) the overall length of the vessel does not exceed 18.3 metres;
 - (iii) the engine power of the vessel does not exceed 400 kilowatts;
 - (iv) the vessel holds a valid general trawl permit; and
 - (v) the vessel possesses a track record of catching and landing a minimum of 500 kilograms of finfish or shrimp (*Crangon crangon*) from within the Humber Estuary in any three month period between 1 January 2013 and 31 December 2015 (inclusive). It is the responsibility of the applicant to demonstrate the accuracy and validity of such a track record.

4. Humber Estuary Trawling Permits - Conditions

- (a) Humber Estuary Trawling Permits expire on the 31 December each year.
- (b) Humber Estuary Trawling Permit holders may renew their permit for the following year from 1 December each year.
- (c) Humber Estuary Trawling Permit holders must renew their permit within one year of its expiry otherwise the entitlement to renew will be lost.
- (d) A fee of £500 will be charged by the Authority for each Humber Estuary Trawling Permit upon each successful application or renewal.
- (e) Humber Estuary Trawling Permits will no longer be valid if a formal change of ownership affects the major shareholding of the vessel in respect of which they were issued.
- (f) Paragraph (e) does not apply where a change of major shareholding relating to the vessel named on the permit, occurs between parent and child, spouse or civil partner or existing shareholders.

- (g) Humber Estuary Trawling Permits must be immediately surrendered to the Authority if no longer required by the permit holder.

5. Permit Suspensions

- (a) A permit may be suspended by the Authority for the purposes of environmental protection, fisheries conservation or non-compliance with the provisions of the byelaw;
- (b) In deciding whether to suspend a permit the Authority will consider:
 - (i) all available and current scientific and survey data;
 - (ii) internal scientific advice from within its membership;
 - (iii) advice provided by the Centre for Environment, Fisheries and Aquaculture Science;
 - (iv) advice provided by the Department for the Environment, Food and Rural Affairs, the Marine Management Organisation, Natural England or other external authorities, organisations, persons or bodies as the Authority thinks fit;
 - (v) information from any other relevant source.
- (c) Prior notice of a decision to suspend a Humber Estuary Trawling Permit will be provided in writing to the Humber Estuary Trawling Permit holder and through publication on the Authority's website, at least ten working days prior to any decision being made.
- (d) Any representations must be lodged, in writing, to the Authority within five working days of the date of the notice referred to in paragraph (c).
- (e) Such representations will be considered by the Authority members and a final decision will be made.
- (f) Notification of the final decision, including suspension of permit, will be made in writing to the Humber Estuary Trawling Permit holder and through publication on the Authority's website within five working days of the decision being taken.
- (g) The suspension of Humber Estuary Trawling Permit may apply to all or part of the Humber Estuary.

6. Trawl Conditions

- (a) Any person using a trawl within a mesh size range of 16 millimetres to 31 millimetres must lift inboard the cod end of the net, inspect it and empty it at least once within every hour of the trawl being in the water.
- (b) All trawl nets used within a mesh size range of 16 millimetres to 31 millimetres must have a separator trawl or sorting grid installed.

7. Revocations

The byelaw with the title “XXIX Humber Estuary Fishing Byelaw” made by North Eastern Inshore Fisheries and Conservation Authority on 12 September 2013 in exercise of its power under section 155 and 156 of the Marine and Coastal Access Act 2009 in force immediately before the making of this byelaw is revoked.

Schedule Definition of Areas

1. The “Spurn Point Seagrass Area” means the area within the Humber estuary enclosed by a line drawn from:
 - (a) Point A (Latitude 53°35.381’N Longitude 000°08.073’E) to
 - (b) Point B (Latitude 53°35.746’N Longitude 000°07.814’E) to
 - (c) Point C (Latitude 53°35.85’N Longitude 000°07.953’E) to
 - (d) Point D (Latitude 53°35.971’N Longitude 000°08.047’E) to
 - (e) Point E (Latitude 53°36.399’N Longitude 000°08.253’E) to
 - (f) Point F (Latitude 53°36.400’N Longitude 000°08.792’E) and then
 - (g) From Point F along the coast at a level of mean high spring water tide to Point A.
2. The “Humber Estuary” means those tidal waters and parts of the sea bounded by the following lines;
 - (a) to the north by a line drawn true east from Spurn Head Lighthouse (position 53° 34.490’ North, 000° 06.650’ East) to the three nautical mile limit line;
 - (b) to the east by the three nautical mile limit line;
 - (c) to the south by the boundary of the District.

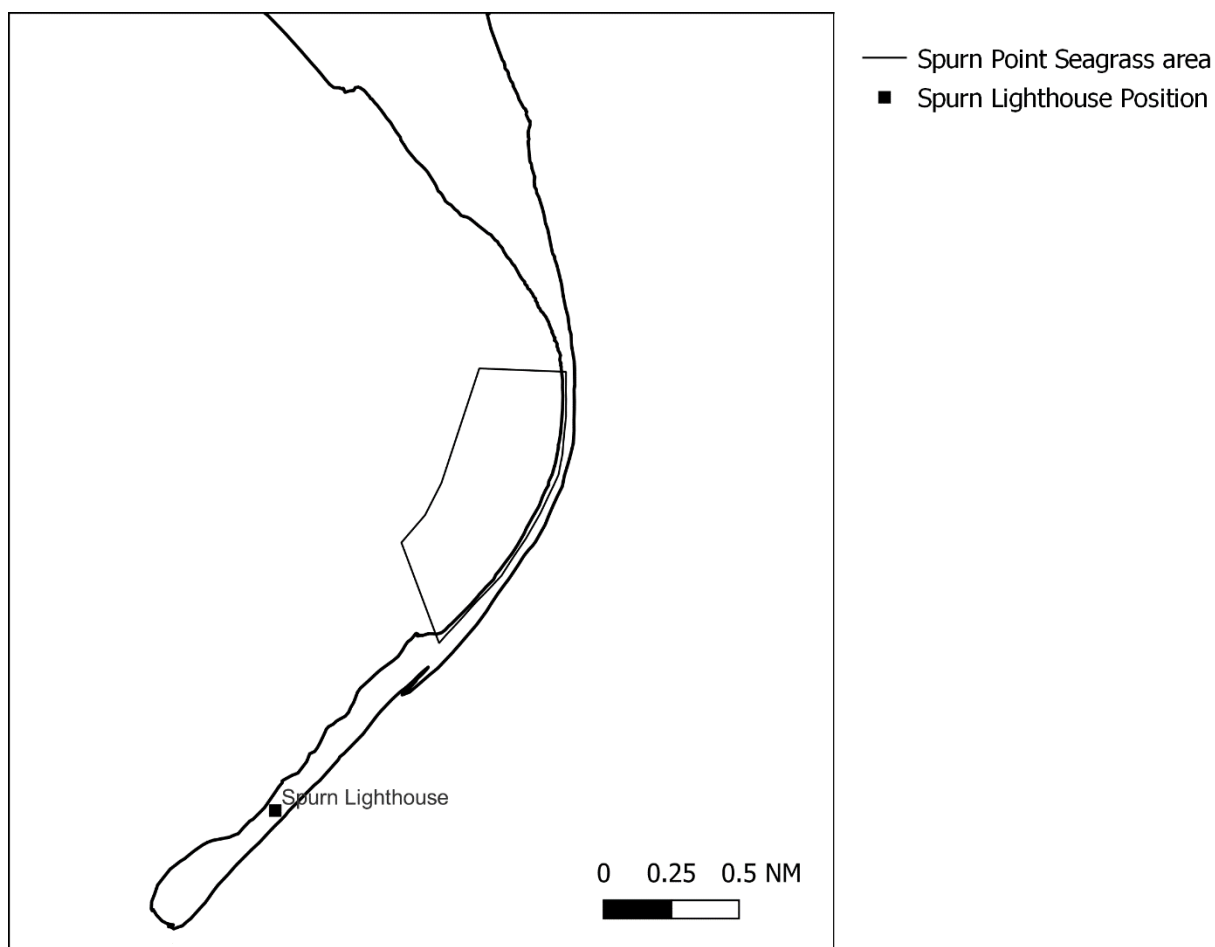
Explanatory note

(This note is not part of the byelaw)

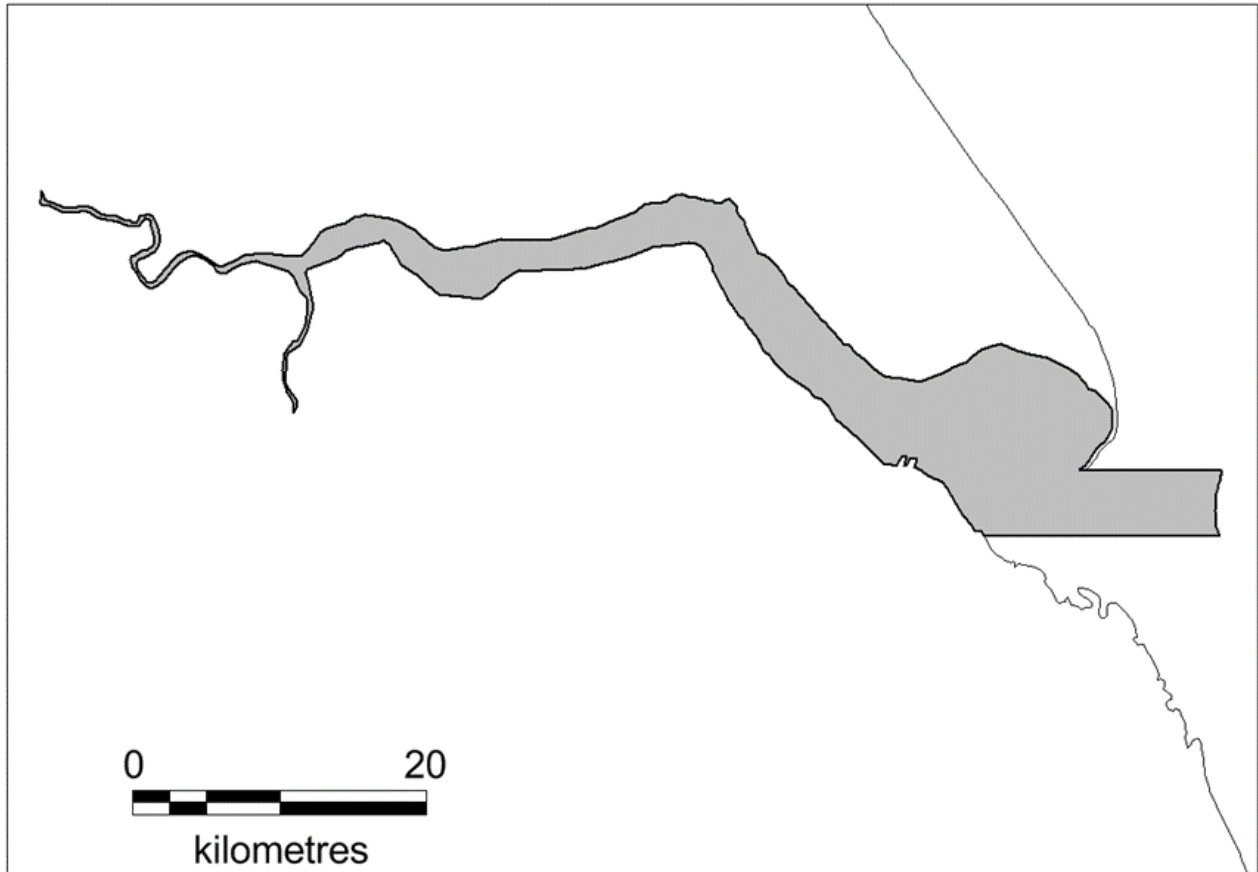
The byelaw prohibits digging, using pots, traps, nets, trawls, dredges or similar devices or removing sea fisheries resources from within the Spurn Point seagrass Area defined in the byelaw, and establishes a permit scheme for demersal trawling within the Humber Estuary. The byelaw allows recreational rod fishing throughout the Humber Estuary. The intention of the XXIX Humber Estuary Fishing Byelaw 2016 is to protect important seagrass and sandbanks, protected –features and sub-features of the Humber Estuary European Marine Site.

Appended chartlets are for illustrative purposes only and are not to be used for navigation.

Spurn Point Seagrass Area



Humber Estuary area as defined in this byelaw



Title: XXIX: Humber Estuary Fishing Byelaw 2022 IA No: NEIFCA_2022_1 RPC Reference No: Lead department or agency: Other departments or agencies:	Impact Assessment (IA)			
	Date: 17/11/2022			
	Stage: Development/Options			
	Source of intervention: Domestic			
	Type of measure: Secondary legislation			
	Contact for enquiries: David McCandless Chief Officer, North Eastern IFCA			
Summary: Intervention and Options				RPC Opinion: Not Applicable

Cost of Preferred (or more likely) Option				
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANDCB in 2014 prices)	One-In, Three-Out	Business Impact Target Status
£14,254.4	£600	£0m	Not in scope	Non qualifying provision

What is the problem under consideration? Why is government intervention necessary?

Government intervention is required to redress market failures in the marine environment by implementing appropriate management measures (this byelaw) to conserve features to ensure negative externalities are reduced or suitably mitigated. Implementing this byelaw will support continued provision of public goods and services in the marine environment. Specifically this byelaw will prevent deterioration of the intertidal seagrass beds which are a sub-feature of the Humber Estuary Special Area of Conservation and supporting habitat of the Humber Estuary Special Protection Area.

What are the policy objectives and the intended effects?

To prevent the deterioration of the intertidal seagrass beds feature within the Humber Estuary European Marine Site (EMS);
 To further the conservation objectives stated for the Humber Estuary EMS;
 To ensure compliance with the Conservation of Habitats and Species Regulations 2017 (as amended);
 To promote sustainable fisheries while conserving the marine environment;
 To reduce negative externalities and ensure continued provision of public goods and services.

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

Option 0. Do nothing
 Option 1. Extend the existing protection afforded to the feature from the current IFCA byelaw to encompass the known distribution of the species
 Option 2. IFCA byelaw prohibiting all fishing activity throughout the EMS (full site closure)
 Option 3. Voluntary measures

Will the policy be reviewed? It will be reviewed. If applicable, set review date: 12/Year

Does implementation go beyond minimum EU requirements?			Yes		
Are any of these organisations in scope?			Micro Yes	Small Yes	Medium Yes
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)			Traded: N/A		Non-traded: 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 SELECT SIGNATORY: _____ Date: 17/11/2022

Summary: Analysis & Evidence

Policy Option 1

Description:

FULL ECONOMIC ASSESSMENT

Price Base Year 2022	PV Base Year 2022	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: -£13,854	High: -£14,654	Best Estimate: -£14,254

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	£200	Optional	£13,854.40
High	£1,000	Optional	£14,654.40
Best Estimate	£600	£1,365.44	£14,254.40

Description and scale of key monetised costs by 'main affected groups'

No additional operational costs are estimated for the extension of the Spurn Point Seagrass Area under the revision of this byelaw as it will require no change to monitoring and enforcement. One off costs are not anticipated. Administrative cost for revised and updated signage is estimated between £200 - £1000. Average annual cost to industry is estimated at £1,365.44 (1848kg). There is no monetised cost to recreational fisheries as by definition there is no commercial gain or associated cost.

Other key non-monetised costs by 'main affected groups'

The NEIFCA proposes to use other enforcement bodies such as MMO and the police in order to fully utilise their resources for surveillance and enforcement. These costs cannot be monetised at present as they are requested on an ad hoc basis and costs can vary. Minimal displacement of commercial fishing is anticipated as a result of the intervention as alternative fishing grounds are easily accessible. Potential impact to recreational activities as there is known bait digging in the area.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate			

Description and scale of key monetised benefits by 'main affected groups'

No monetised figures are available for the benefits of the recommended closure. However, significant potential benefits are described below.

Other key non-monetised benefits by 'main affected groups'

Maximum of 5 lines

Key assumptions/sensitivities/risks

Maximum of 5 lines

Discount rate (%)

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			Score for Business Impact Target (qualifying provisions only) £m:
Costs:	Benefits:	Net:	

Evidence Base (for summary sheets)

1. Problem under consideration
2. Rationale for intervention
3. Policy objectives and intended effects
4. Evidence base
 - Impacts of trawling / fishing on seagrass beds
5. Sectors affected
6. The options
7. Analysis of costs and benefits
 - Analysis of fisheries costs
 - Analysis of administration and enforcement costs
 - Environmental benefits
8. Summary

References

Figures

Figure 1: Seagrass distribution and stability at Spurn Point. Data derives from annual surveys undertaken between 2013 and 2021.

Figure 2: Region of the Humber Estuary EMS showing the location of the proposed Spurn Point Seagrass Area

Tables

Table 1: Identified red risks in relation to interaction with intertidal seagrass beds sub-feature/supporting habitat of the Humber Estuary EMS.

Table 2: Annual landings (tonnes) by gear type for ICES rectangle 36F0 for the period 2016 to 2020. (MMO annual statistics 2021)

1. Problem under consideration

- 1.1 The Humber Estuary Special Area of Conservation (SAC) and Humber Estuary Special Protection Area (SPA) together constitute the Humber Estuary European Marine Site (EMS). Mudflats and sandflats not covered by seawater at low tide are a feature of the SAC and a supporting habitat for the SPA. Intertidal seagrass beds (*Zostera* spp.) are a sub-feature of this feature.
- 1.2 When submerged, seagrass beds provide essential fish habitat as nursery areas and when exposed are an important food resource for wintering wildfowl¹. Other ecosystem system services provided by eelgrass include sediment stabilisation and carbon sequestration².
- 1.3 Under the revised approach, NEIFCA introduced the Humber Estuary Fishing Byelaw in 2014 to protect the seagrass feature from potentially damaging fishing activities. The byelaw was revised in 2019 to include a limited trawl permit system to protect subtidal features. The proposed revision to the byelaw relates only to the Spurn Point Seagrass Area.
- 1.4 Annual monitoring of seagrass extent and distribution has been undertaken jointly by NEIFCA and the Yorkshire Wildlife Trust since 2013. Results of these surveys demonstrate the effectiveness of the regulation to date, with recorded expansion of seagrass beyond the existing boundary of the protected area.
- 1.5 In order to ensure continued compliance with the Conservation of Species and Habitats Regulations (2017) (as amended), NEIFCA is proposing to expand the offshore boundary of the Spurn Point Seagrass Area to encompass the known extent of the feature.
- 1.6 This IA has been prepared to outline the costs and benefits of the proposed changes to the byelaw. The IA also indicates why the option being recommended is the preferred option for management. This version of the IA is a draft for public consultation.

2. Rationale for intervention

2.1 Inshore Fisheries and Conservation Authorities have duties to ensure that fish stocks are exploited in a sustainable manner, and that any impacts from that exploitation on designated features in the marine environment are reduced or suitably mitigated, by implementing appropriate management measures (e.g. this byelaw). Implementing this byelaw will ensure that fishing activities are conducted in a sustainable manner and that the marine environment is suitably protected.

2.2 Fishing activities 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 occur 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.

2.3 IFCA byelaws aim to redress these sources of market failure in the marine environment through the following ways:

- Management measures to conserve designated features of European marine site 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 sea of the IFCA District.
- Management measures will also support continued existence of common goods in the marine environment, for example ensuring the long term sustainability of fish stocks in the IFCA District.

3. Policy objectives and intended effects

3.1 The policy objective pertinent to this IA is to further the conservation objectives of this site by ensuring that the intertidal seagrass beds sub-feature and supporting habitat are protected from the risk of damage from fishing activity.

3.2 The intended effects are that the risk of deterioration of the intertidal seagrass beds will be reduced and obligations under Section 9 of the Conservation of Habitats and Species Regulations (2017) (as amended) will be met.

4. Evidence base

4.1 In August 2012 Defra undertook a review into the management of fisheries within EMS in order to identify future management required to ensure site features are maintained at favourable condition. This resulted in a revised approach³ to management of fishing in EMS.

4.2 As a competent authority, NEIFCA was charged with implementing the revised approach with regard to EMSs within its district. This was done using an evidence based, risk-prioritised and phased basis. Risk prioritisation was informed by a matrix⁴ which categorised the risks from interactions between fishing activity and ecological features. Activity/feature interactions were categorised as red, amber, green or blue. Those classified as red were prioritised for the implementation of management measures by the end of 2013 (regardless of the actual level of activity) to avoid deterioration of designated features.

4.3 Using the matrix, the following gear/feature interactions were categorised as 'red' in relation to the intertidal seagrass beds sub-feature/supporting habitat of the Humber Estuary EMS:

Table 1: Identified red risks in relation to interaction with intertidal seagrass beds sub-feature/supporting habitat of the Humber Estuary EMS.

Fishing gear type
Towed (demersal)
Beam trawl (whitefish)
Beam trawl (shrimp)
Beam trawl (pulse/wing)
Heavy otter trawl
Multi-rig trawls
Light otter trawls
Pair trawl
Anchor seine
Scottish/fly seine
Towed (demersal/pelagic)
Dredges (towed)
Scallops
Mussels, clams, oysters
Pump scoop (cockles, clams)
Dredges (other)
Suction (cockles)
Tractor
Intertidal handwork
Hand working (access from vessel)
Hand working (access from land)
Miscellaneous
Crab tiling
Bait collection
Digging with forks

4.4 Due to this risk, management of activities was required and the Spurn Point Seagrass Area was established by the Humber Estuary Fishing Byelaw in 2013. The byelaw came into force on 30th January, 2014. The Spurn Point Seagrass Area encompassed the known distribution of seagrass at the site following the initial survey in 2013.

4.5 Annual surveys have been undertaken by NEIFCA since 2013 in partnership with the Yorkshire Wildlife Trust. While inter-annual variation in seagrass distribution has been observed, NEIFCA consider there is now sufficient evidence to justify extending the boundary of the Spurn Point Seagrass Area (Figure 1).

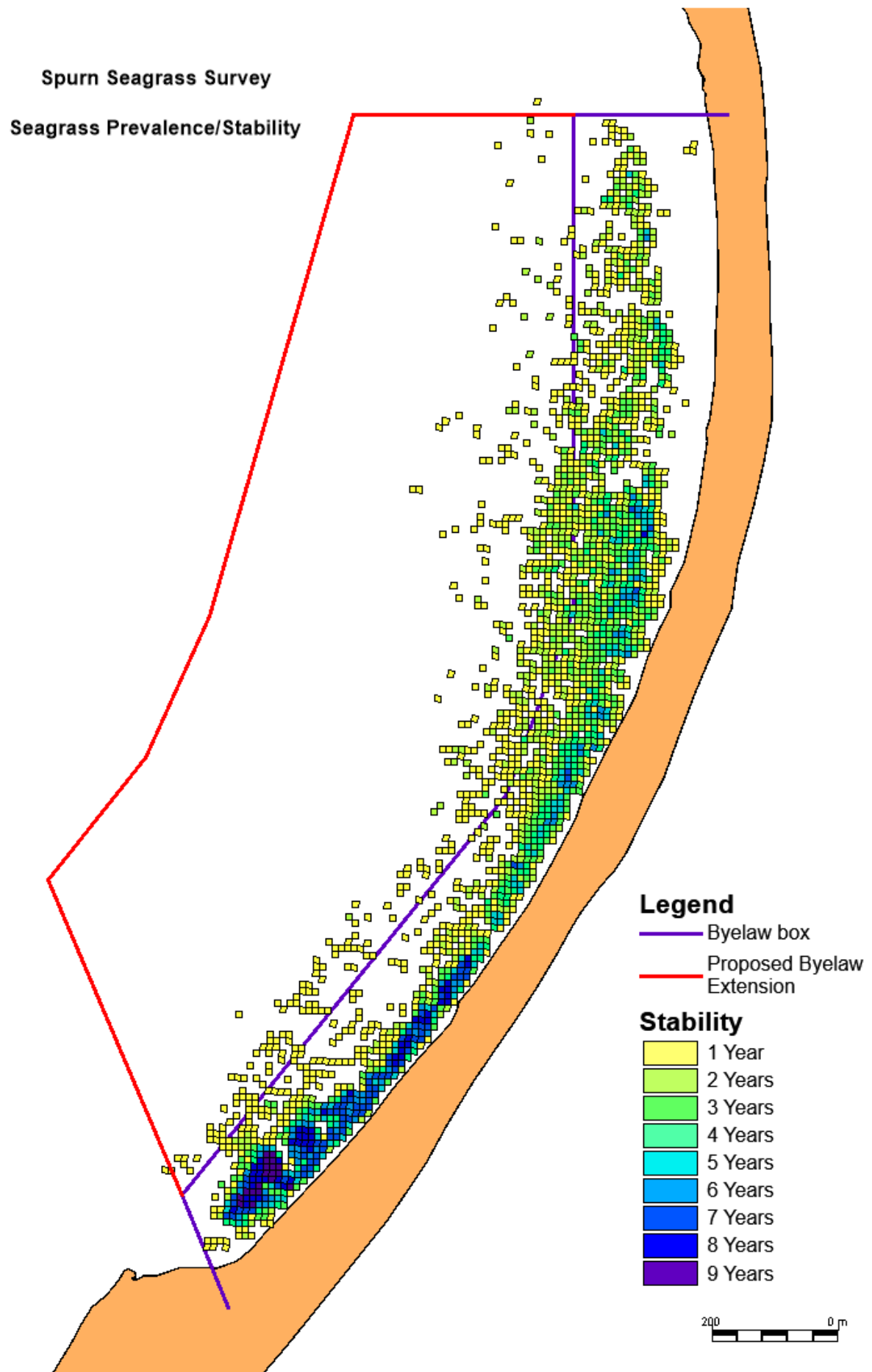


Figure 1: Seagrass distribution and stability at Spurn Point. Data derived from annual surveys undertaken between 2013 and 2021.

Impacts of fishing on seagrass beds

4.6 Breen, (2013)⁵ reviews current available research on the impact of fishing activities on European Marine Site sub-features. As part of this review, research has shown that there is a direct correlation between bottom towed fishing gear and damage to seagrass beds. Evidence also suggests that while bottom towed fishing activity is taking place; scope for seagrass recovery is minimal.

4.7 Seagrasses are considered highly sensitive to physical disturbance, including that caused by trampling and digging^{6,7,8}. An experimental study of the effects of trampling on *Thalassia testudinum* in Puerto Rico recorded significant decreases in seagrass cover and increases in sand cover. Heavier trampling (50 passes per month for four months) also resulted in reduced rhizome biomass of up to 72% and loss of standing crop of up to 81%⁹.

4.8 There is some variation in the level of impact detected within these studies and in the rates of recovery from impact; however the balance of available evidence still strongly suggests that seagrass has a high sensitivity to intertidal handwork, bait digging and crab tiling and that recovery rates are generally slow¹⁰. Expert judgement of the available evidence has concluded that the risk of significant impact is sufficient to require a precautionary categorisation of RED in the Matrix.

4.9 Clam harvesting, whereby intertidal sediments dominated by *Zostera noltei* are dug up using a hand blade, in the Ria Formosa lagoon (Southern Portugal) was found to have an adverse effect on vegetative shoot density and total plant biomass, leading to increased fragmentation of the seagrass meadows. Both relatively low and relatively high levels of clam harvesting disturbance (intensity and frequency) resulted in negative effects on seagrass density^{11,12}. An experimental analysis of the effects of recreational clam digging within *Zostera marina* beds in Newport USA resulted in significant reductions in above- and below-ground seagrass biomass¹³.

4.10 The observed recovery rates of seagrasses from anthropogenic disturbance are variable, thought in part to be related to variation in intensity, frequency and extent of disturbance, although the recovery potential of seagrass is generally considered to be relatively poor¹⁴. The recovery potential of seagrass from 'foot-based' activities specifically is more uncertain due to the limited number of studies. In Eckrich and Holmquist's (2000)⁹ experimental study of the effects of trampling, recovery was incomplete after seven months and reduced cover was still visually distinguishable at several study sites after 14 months, whilst recovery from the experimental removal of *Z. marina* shoots took between 24 and 30 months¹⁵. Although recovery from the negative effects of a single experimental clam harvesting event on shoot density of *Z. noltei* meadows occurred within 1 month, recovery from the ongoing activity in the Ria Formosa lagoon was considered unlikely due to the intensity and frequency at which it actually occurs¹².

5. Sectors affected

Commercial fishing industry

5.1 While the extension represents a loss of potential fishing ground, NEIFCA is not aware of any commercial fishing effort in the vicinity of Spurn Point Seagrass Area since the byelaw was first introduced. Trawling management within the wider EMS was introduced in the first byelaw revision in 2016. This revision came into force on 15th August, 2019.

5.2 Trawling management consists of a limited trawl permit system for those with historic track records of landings from within the EMS. There are a total of 2 permit holders, none of which currently fish near the Spurn Point Seagrass Area.

Recreational fishing sector

5.3 The area is regularly used by bait diggers. Since the byelaw was first introduced access to the site has been severely restricted due to the loss of the road at Spurn Point. Anecdotal reports suggest that current bait digging activities are focussed to the north of the Seagrass Protection Area and beyond the outer (lower shore/west) boundary. It is anticipated that bait diggers will be the sector affected most by the current proposal.

6. Options considered

6.1 As part of Defra's revised approach, the preferred management tools are IFCA byelaws within 0 to 6nm. The Humber Estuary EMS straddles the border between Eastern IFCA and North Eastern IFCA which extends to the east from Haile Sands Fort, on the south side of the estuary mouth, to the 6nm limit. This byelaw would only apply to the North Eastern IFCA portion of the EMS.

Option 0: Do nothing – This option would involve retaining the current boundary of the Spurn Point Seagrass Area. This option would mean that risks to the site from damaging activities would not be addressed and that obligations under Defra's revised approach and Article 6 (2) of the Habitats Directive would not be met.

Option 1: IFCA byelaw to prohibit potentially damaging gears and methods over the intertidal seagrass bed sub-feature/supporting habitat with appropriate buffering.

Option 2: IFCA byelaw prohibiting potentially damaging gears and methods throughout the North Eastern IFCA area of the Humber Estuary EMS (full site closure) – Prohibiting all fisheries related activities throughout the NEIFCA portion of the Humber Estuary EMS is not necessary to achieve protection of the intertidal seagrass bed sub-feature/supporting habitat and would result in unnecessary economic loss for fishermen using other parts of the EMS. Therefore, this option is not considered further.

Option 3: Voluntary measures – This option would involve the development of voluntary codes of practice to protect the sub-feature/supporting habitat. NEIFCA has considered this option in light of Better Regulation Principles, which require that new regulation is introduced only as a last resort, and Defra's revised approach, under which there is an expectation that management measures will need to be regulatory in nature to ensure adequate protection is achieved. It is the opinion of NEIFCA that due to the sensitivity of the sub-feature/supporting habitat and the risk that even low levels of interaction could lead to its deterioration, voluntary measures are not considered appropriate in this case.

As options 2 and 3 are not suitable in this instance, option 1 is therefore considered in the costs and benefits analysis.

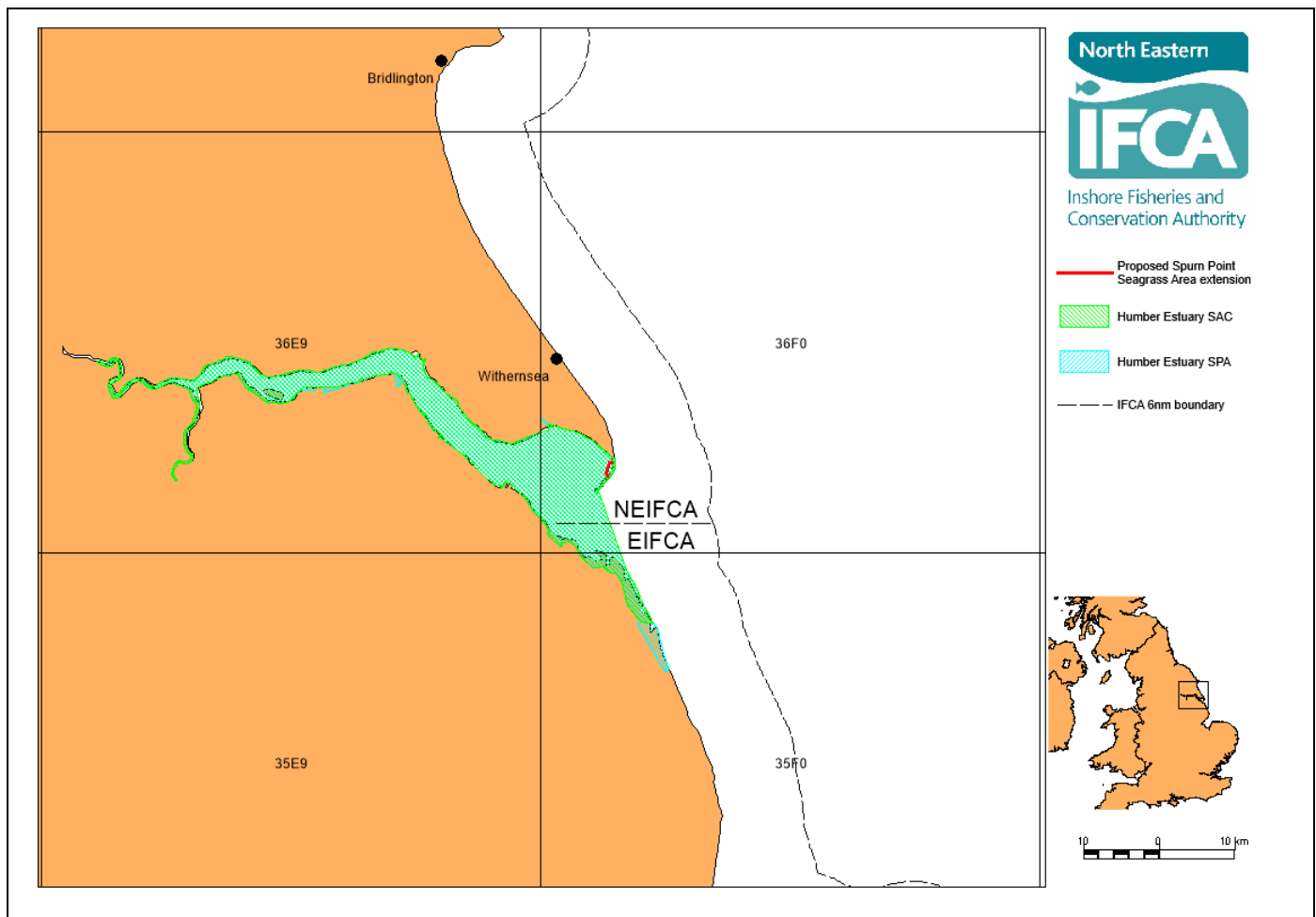


Figure 2: Region of the Humber Estuary EMS showing the location of the proposed Spurn Point Seagrass Area

7. Analysis of costs and benefits

Analysis of fisheries costs

7.1 The proposed extension to the Spurn Point Seagrass Area lies entirely within the ICES reporting rectangle 36F0 (Figure 2). Economic costs to fisheries have been based on landings data attributed to this rectangle only (Table 2).

7.2 The largest contribution to landings originating from rectangle 36F0 can be attributed to the static potting fishery for lobster and edible crab with vessels operating from key regional ports including Bridlington, Hornsea, Withernsea and Grimsby. Vessels operate in the 0-6nm zone of the Holderness Coast, as well as outside the district with significant grounds extending beyond 6nm. Potting in the region targets mixed to coarse rocky ground and ground edges, the habitats used by the target species. The area of the proposed byelaw is mud and sand flats not considered suitable for these species and Officers are not aware of any fishers using pots in this area. It is assumed that no potting takes place within the proposed extension area and pot landings are not considered further in this analysis.

7.3 Demersal seines are prohibited in the district under **Byelaw IV Seine net, draw net or 'Snurrevaad': Prohibition of**. Similarly, dredging in the district is restricted to designated areas off North Yorkshire under **Byelaw XXIII Scallop Dredging Byelaw**, therefore any dredge landings for 36F0 will not originate from within the district. Depth restrictions for netting within **Byelaw XVIII Fixed Engine Byelaw 2016** preclude any netting within the vicinity of the

proposed extension area. As such, only landings captured by beam trawl, otter trawl and gears using hooks are considered further in this analysis.

7.4 The total area for rectangle 36F0 is 3,655 km². The current Spurn Point Seagrass Area covers an area of 0.34 km² and the proposed extension would increase this area to 1.1 km². As such, the loss of fishing grounds as a percentage of the whole reporting rectangle is equivalent to 0.02%.

7.5 Based on the factors outlined above only landings data for the following gear types were used in the cost analysis; beam trawl, otter trawl and gears using hooks. Using the average annual value and live weight records, the cost to the industry is estimated at 1848.8 kg with a value of £1365.44.

Table 2: Annual landings (tonnes) by gear type for ICES rectangle 36F0 for the period 2016 to 2020. (MMO annual statistics 2021)

Gear category	2016		2017		2018	
	Weight (t)	Value (£)	Weight (t)	Value (£)	Weight (t)	Value (£)
Beam trawl	7.57	39,537	1.12	4,702	1.33	5,797
Demersal seine						
Dredge	108.87	273,242	372.42	901,772	509.87	1,185,558
Drift and fixed nets	1.16	3,484	1.91	4,287	0.64	1,857
Gears using hooks	6.72	14,031	0.88	1,723	3.25	8,865
Otter trawl	0.10	185			161.03	86,474
Pots and traps	3608.63	9,118,543	3444.48	10,227,330	3108.87	9,831,696
Grand Total	3733.06	9,449,023	3820.82	11,139,815	3785.00	11,120,246
Gear category	2019		2020		Average annual	
	Weight (t)	Value (£)	Weight (t)	Value (£)	Weight (t)	Value (£)
Beam trawl	0.77	1,548	10.58	19,573	4.28	14,231
Demersal seine	4.83	17,723	12.00	26,208	8.41	21,966
Dredge	104.32	218,537	53.43	100,131	229.78	535,848
Drift and fixed nets			3.79	4,016	1.88	3,411
Gears using hooks	2.30	6,140	1.82	5,803	2.99	7,312
Otter trawl					80.57	43,329
Pots and traps	3318.37	10,681,942	3065.25	8,856,813	3309.12	9,743,265
Grand Total	3430.58	10,925,889	3146.88	9,012,544	3583.27	10,329,503

Analysis of administration and enforcement costs

7.6 As the changes to the byelaw are limited to a boundary change for the Seagrass Protection Area, no additional administration or enforcement costs are anticipated.

Environmental benefits

7.7 Habitat: Dwarf eelgrass (*Zostera noltei*) and many other species of seagrass are a habitat-forming species which provide a range of ecosystem services. Intertidal seagrass beds act as nursery grounds for many fish species including commercially important species such as Atlantic Cod and Pollock by providing shelter from adverse environmental conditions (e.g. strong currents) and predation^{16,17}. Water temperature within seagrass beds is generally higher which may facilitate faster growth for juvenile fish and these habitats provide refuge for a number of invertebrate species therefore offering an increased prey availability¹⁶.

7.8 Food source for migratory bird species: The Humber Estuary European Marine Site (HEEMS) is designated due to the designated intertidal mudflat habitats, a feature which supports migratory bird assemblages by offering abundant food sources. Eelgrass itself has also been noted as an important food source for several bird species including; coots (*Fulica atra*), swans (*Cygnus* spp.), dabbling ducks (*Anas* spp.) and brent geese (*Branta bernicla*)¹⁸.

7.9 Coastal protection: Seagrass beds play an important role in coastal protection through their ability to influence the hydrodynamic environment by stabilizing the sediment, reducing current velocity and dissipating wave energy¹⁹.

7.10 Seagrass meadows are also cited for their role as blue carbon habitats, due to their ability to sequester and store large quantities of carbon in seagrass biomass and in the rhizosphere. The rhizosphere is a term used to describe the thick subsurface mats made up of rhizomes which are the subterranean part of the plant²⁰. Sequestration rates for carbon in seagrass has been estimated to range from an average of 5.1 g C_{org} m⁻² yr⁻¹ (in Greenland) to an average of 33 g C_{org} m⁻² yr⁻¹ (in Denmark)²¹.

8. Summary

8.1 The results from annual monitoring of the extent and distribution of seagrass (*Zostera noltei*) at Spurn Point (2013 to 2021) has evidenced the expansion of seagrass beyond the existing boundary of the protected area. Therefore, NEIFCA proposes extending the offshore boundary of the Spurn Point Seagrass Area to encompass the known extent of the feature and provide buffering for the continued expansion of seagrass expected to occur in the coming years.

8.2 Research reviewed has identified seagrass to be highly sensitive to physical disturbance whether that be from commercial fishing methods, trampling, digging or other anthropogenic activities. Although, recovery rates of seagrasses in response to anthropogenic disturbances can vary due to factors such as intensity, frequency and extent of disturbance, literature suggests seagrass recovery rates to be generally low with adverse effects seen on shoot density and total plant biomass in some studies.

8.3 An annual average cost to industry of 1848.8 kg and value of £1365.44 was estimated based on landings data attributed to ICES rectangle 36F0 for the following gear types; beam trawl, otter trawl and gears using hooks. Landings from all other gear types were excluded due to existing restrictions in place by NEIFCA byelaws and the unsuitability of the ground for target species or operating certain gear types. A transition cost for revised and updated signage is estimated within the range of £200 - £1000. The environmental benefits of protection of seagrass beds have been described in a qualitative manner within the evidence base, as it is not possible to accurately assess the monetary value.

8.4 Under s155 of MaCAA 2009²², NEIFCA has a responsibility to manage the exploitation of sea fisheries resources in their district, ensuring the sustainable exploitation of sea fisheries resources whilst balancing social and economic benefits with the need to conserve the marine environment. The categorisation of the Humber EMS as red risk following the revised approach prioritises this area for the implementation of management measures. The proposed extension of the protected seagrass area in Spurn Point will prevent deterioration of the *Zostera noltei* beds, and thereby meet NEIFCA's obligations under Section 9 of the Conservation of Habitats and Species Regulations (2017).

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NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Authority Meeting
1 December 2022

Marine and Coastal Access Act 2009 (Section 155)
XXVIII Shellfish Permit Byelaw 2022

Report by the Clerk and Chief Officer of the Authority.

A. Purpose of Report

To inform Members of the intention to make the following byelaw regulation in accordance with the duty imposed by section 153 and the provisions contained within sections 155, 156, 158 and 160 of the Marine and Coastal Access Act 2009:

XXVIII Shellfish Permit Byelaw 2022

B. Recommendation

1. That the Authority approves the making of the byelaw.
2. That the Authority instructs the Clerk to give requisite notice by advertisement of the intention to apply to the Secretary of State for confirmation of the said byelaw.

1. Background

- 1.1 Since the late 1990s levels of potting effort have increased steadily throughout the NEIFCA district placing increasing pressure on crab and lobster stocks. Further changes in UK commercial fishing licence regimes have restricted the ability of the regional inshore fishing fleet to target other stocks which has added to those pressures. Steady progression in terms of modernisation across the inshore fishing fleet during the last decade has also contributed to increasing effort leading to persistent calls from the industry to limit the number of pots that vessels can work within the NEIFCA district. This picture is supported by the most recent stock assessments undertaken by both NEIFCA (2018) and CEFAS (2019) which concluded that the exploitation levels for lobsters and edible crabs are above the maximum sustainable yield and stock status for both species is considered low. Recent events off the Tees and North Yorkshire coast also bring the potential vulnerability of stocks, in terms of impacts from external events outside of fishing pressure, into very sharp focus. Strengthening the management of fishing pressures will improve stock resilience. The new draft byelaw regulation will also maintain existing technical conservation measures and cap the number of shellfish permits within the NEIFCA district. This will further protect local fisheries from any potential increases in fishing effort from fleets based outside the Authority's district. The key aims and intentions of this byelaw are laid out within this covering report and represent a precautionary position. The overarching objective of this new byelaw are to cap fishing effort at current levels, stabilise fishing mortality, strengthen stock biomass and protect stocks from other external fishing pressures. They are informed by extensive consultation which took place throughout the district between 2013 and 2016, a period of further informal consultation

carried out during August 2022 alongside recent discussions with local fishing groups. A further period of statutory consultation will further inform the final detail of this draft byelaw prior to formal confirmation.

2 Key aims of the byelaw and notable changes in regulations

- 2.1 The key aims of the new byelaw are to consolidate existing byelaw regulations and to introduce an effort management system for commercial potting within the district. The flexible byelaw model proposed has been used successfully by other IFCA's to introduce management measures and provides a mechanism whereby changes to these measures can be implemented, following an appropriate review process, without the need to formally remake the whole byelaw.
- 2.2 The current draft incorporates management measures included within Byelaw XXII - Permit to fish for lobster, crab, velvet crab and whelk (current shellfish permit byelaw) and Byelaw XXVII - Crustacea Conservation Byelaw 2018. The majority of existing management measures have been carried over, with some exceptions.
- 2.3 The common whelk (*Buccinum undatum*) has been included as a target species within the current shellfish permit byelaw since its inception. It is understood, however, that there is no significant whelk fishery within the district, with commercial landings originating from beyond 6 NM. In order to simplify the regulations, particularly in regard to issues surrounding pot construction, definitions and effort limitation as well as the existing escape gap provisions, it is proposed that this species is removed from the revised byelaw.
- 2.4 On review, the MCRS for edible crab (*Cancer pagurus*) which currently sits within the Crustacea Conservation Byelaw 2018 would be better placed within Byelaw XXXII – Fish, mollusc and crustacea minimum size byelaw. This would require remaking the minimum size byelaw and the benefits of this are not considered substantial enough to warrant the associated additional financial costs. As such, the MCRS of 140mm for edible crab is retained within this new byelaw regulation.
- 2.5 **Application process** - Existing permit holders will make an application for a pot allocation up to a maximum of 1000 pots. These applications will be assessed and compared against available catch and effort data and a first allocation agreed. Once the new byelaw is implemented, should the total number of applicants not exceed the maximum number of available permits (234 category one permits), then each eligible applicant will be issued with a permit. However, once the total number of permits has been reached any new entrants that apply will be placed on a waiting list until a permit becomes available.
- 2.6 **Transfers** – Permits cannot be transferred from the permit holder to another person. Transfer of the permit to another vessel will be permitted if the donor vessel is lost or replaced. Some permit transfers may also be permitted if the ownership of the donor vessel is passed onto a family member or existing shareholders.
- 2.7 **Permit charge** – The new byelaw includes a three-tiered charging scheme for commercial permits linked to the number of pots fished up to a maximum charge of £350 per annum per vessel. This charging regime represents the part recovery of costs associated with administering the permit and any tags, carrying out annual stock assessments and collating, analysing and reporting on the associated fisheries. Non-commercial permits will be charged at a fixed fee of £10 per annum per person representing part recovery of costs associated with administration and the issue of permits. Additional costs associated with enforcement and compliance have not been factored into the proposed charging regime.
- 2.8 **Permit suspensions** – permits can be suspended or permanently withdrawn by the Authority on grounds of environmental protection, fisheries conservation, or non-compliance. The

decision process will use any available scientific data, evidence and advice internally and from other authorities, organisations, persons or bodies as the Authority thinks fit.

- 2.9 **Review procedure** – The flexible byelaw conditions shall be reviewed not less than once every 5 years. For the review process a consultation will be held with stakeholders, organisations and persons who are likely to be affected by the proposed changes. The consultation process will also include scientific data collected by the Authority and any other relevant sources and advice will be sought any organisations, bodies or persons the Authority thinks fit.
- 2.10 **Proposing commercial effort limitation system** – For category one permit holders a maximum pot allocation of 1000 will be issued and for category two permit holders the maximum number of pots will be reduced to 5 but the daily catch limits will remain the same, two lobsters and ten crabs per day.
- 2.11 A copy of the draft byelaw and supporting RIA is attached for members information.

3 **Next Steps & Provisional Timetable**

Providing members support the making of the byelaw a realistic timetable for confirmation and implementation is projected s follows:

1. Formal making - 1 December 2022
2. Final internal quality assurance checks complete - 16 December 2022
3. Final draft documents subject to MMO quality assurance complete - 27 January 2023
4. 28 day statutory consultation process complete - 10 March 2023
5. Application for confirmation lodged - 31 March 2023
6. Final Confirmation - 28 April 2023
7. Implementation post 28 April 2023

Contact Officer

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8a

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

MARINE AND COASTAL ACCESS ACT 2009 (c.23)

XXVIII SHELLFISH PERMIT BYELAW 2022

The Authority for the North Eastern Inshore Fisheries and Conservation District in exercise of its powers under sections 155 and 156 of the Marine and Coastal Access Act 2009, makes the following byelaw for Shellfish Permits.

Interpretation

1. In this byelaw:

- (a) 'the Authority' means North Eastern Inshore Fisheries and Conservation Authority as defined in articles 2 and 4 of the North Eastern Inshore Fisheries and Conservation Order 2010 (S.I 2010, No 2193);
- (b) 'the District' means the North Eastern Inshore Fisheries and Conservation District as defined in articles 2 and 3 of the North Eastern Inshore Fisheries and Conservation Order 2010;
- (c) 'dredging' means fishing by means of any appliance with a rigid framed mouth which is towed through the water and is manufactured, adapted, used or intended for use for the purpose of fishing for scallops;
- (d) 'fishing' for the purposes of this byelaw includes searching for and taking specified shellfish species, shooting, setting, towing, hauling of a fishing gear, and taking specified shellfish species aboard;
- (e) 'fixed net' means any net being fixed to the bottom of the sea in a permanent position by any method such as weights, anchors or stakes and it must be set so as not to be able to drift or move with any current.;
- (f) 'permit' means:
 - a. a Category One Permit issued under paragraph 8 of this byelaw; or

- b. a Category Two Permit issued under paragraph 9 of this byelaw.
- (g) 'pot' means a pot, creel or trap set or used to catch specified shellfish species;
- (h) 'relevant fishing vessel' means any vessel registered in accordance with Part II of the Merchant Shipping Act 1995 (c.21) or in the Channel Islands or the Isle of Man that holds a current fishing licence with the relevant national entitlement issued by the appropriate United Kingdom fisheries department;
- (i) 'trawling' means fishing by means of a trawl or similar device that is designed to be towed or pushed to take sea fisheries resources;
- (i) 'vessel' means a ship, boat, raft or watercraft of any description and includes non-displacement craft, personal watercraft, seaplanes and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle, used or capable of being used as a means of transportation on water.
- (k) 'specified shellfish species' means the following species: European lobster (*Homarus gammarus*), edible crab (*Cancer pagurus*), velvet crab (*Necora puber*) and Norway lobster (*Nephrops norvegicus*).

Prohibitions

2. A person must not fish for, take or retain any of the specified shellfish species from a fishery within the district otherwise in accordance with a permit.
3. Paragraph 2 does not apply to specified shellfish species captured by relevant fishing vessels when fishing by way of trawling or dredging.

Deeming

4. During each singular fishing trip, vessels fishing exclusively outside the District and transiting through the District will not be subject to the provisions of this byelaw.
5. It is to be presumed that a vessel has taken or removed any of the specified shellfish species to which this byelaw relates from within the District if, at any time, during any singular fishing trip –

- (a) it is proved that –
 - i. the vessel was found within the District, and
 - ii. when so found, the vessel was in possession of any of the things mentioned in paragraph 6; and
 - iii.
 - (b) it is reasonable to infer from those facts (either by themselves or taken together with other circumstances) that the vessel was, or had been, taking or removing specified shellfish species in contravention of this byelaw
- 6.** The things are –
- (a) such equipment, vehicle, apparatus or other gear or paraphernalia (including clothing) as may be used for the purpose of taking or removing specified shellfish species in contravention of this byelaw; and
 - (b) specified shellfish species, the taking and removing of which is prohibited by this byelaw.
- 7.** The presumption in paragraph 5 does not apply where sufficient evidence is adduced to raise an issue as to whether the specified shellfish species on board the vessel were taken and or removed from within the District. Such acceptable evidence may include electronic charting information or vessel positional data.

Permits

- 8.** The Authority may authorise fishing for specified shellfish species using fixed nets or pots within the District from a named relevant fishing vessel by issuing a Category One Permit to the owner of that vessel.
- 9.** The Authority may authorise fishing for specified shellfish species within the District by issuing a Category Two Permit to a named person.
- 10.** The Authority may limit the number of permits issued in any one calendar year.
- 11.** Permits will be issued in accordance with the following process:
 - (a) if the number of applicants does not exceed the maximum number of available permits, at any one time, then each eligible applicant will be issued with a permit, subject to the provisions of this byelaw;

(b) once the maximum number of available permits has been met then unsuccessful applicants will be placed on a waiting list for the next available permit;

(c) the Authority retains the right to refuse to issue a permit until such time as the applicant makes available any outstanding information required for the issue of that permit or outstanding information from a previous year including any mandatory information required by an Authority byelaw regulation.

12. The Authority may limit the number of pots able to be used in association with a permit.

13. Category One Permit pot allocations will be issued in accordance with the following process:

(a) At the time of the making of this byelaw, all existing Category One Permit holders will be invited to make an application for their maximum pot allocation which will be assessed and notified in writing;;

(b) For new Category One Permits, pot allocations will be notified in writing when the permit is issued, in line with the vessel type/category;

(c) At any time, Category One Permit holders may apply to increase their pot allocation up to the maximum permitted;

(d) Applications must be submitted to the Authority in writing with supporting evidence;

(e) Applications will be considered by the Authority who will notify the applicant of the outcome within 7 working days;;

(f) All applicants have the right to appeal any decision to the Authority. Any appeals must be submitted in writing with supporting evidence.

(g) The appeal process will only consider the content of the written evidence provided by the appellant and that the correct procedure has been applied;

(h) Appeals will be considered by the Authority who will notify the applicant of the outcome within 7 working days of the respective hearing.

(i) The Authority's decision is final.

- 14.** Only one Category Two Permit may be issued to a named person.
- 15.** An application for a permit must be made using the printed forms available from the Authority's office and website, or through the online application process on the Authority's website.
- 16.** A permit and permit card:
 - (a) are issued to the owner of a relevant fishing vessel or a named person;
 - (b) in the case of shared ownership of a relevant fishing vessel shall be jointly issued to all owners of that vessel;
 - (c) are valid for the dates specified in the permit;
 - (d) must be surrendered to the Authority if no longer required;
 - (e) are not transferable between the permit holder and another person, other than in accordance with paragraph 17.
- 17.** The transfer of a Category One Permit will only be permitted in the following circumstances:
 - (a) the donor vessel is lost or replaced
 - (b) the ownership of the donor vessel has passed on within the same family or existing shareholder;
 - (c) there is no change in the major shareholding of the donor vessel
- 18.** When a Category One Permit is transferred, the associated pot allocation shall also be transferred.
- 19.** An application to transfer a Category One Permit from a donor vessel to a recipient vessel must be made within one month of the sale of the donor vessel.
- 20.** In respect of paragraph 19, it is the selling owners responsibility to inform the buyer of their intention to transfer the Category One Permit.
- 21.** A Category One Permit shall be valid till the 31 December in the year of issue unless notified in writing by the Authority.
- 22.** A Category Two Permit shall be valid till the 30 April for the preceding year unless notified in writing by the Authority.

23. A fee will be charged for each permit which will be payable on application or renewal only. The fee for a Category One permit is £50 (0 - 250 pots), £150 (251 – 500 pots), £250 (501 – 750) and £350 (751 – 1000). The fee for a Category Two permit is £10.
24. A fee may be charged for the issue of tags to a permit holder as required by paragraph 30.
25. A fee may be charged for the issue of replacement tags to a permit holder as required by paragraph 30.

Permit Conditions

26. A named vessel in a Category One Permit must be a relevant fishing vessel for the permit to remain valid.
27. A Category One Permit card must be displayed in a clear and prominent position on the vessel, available for inspection at all times.
28. Permit holders shall provide any relevant fisheries information required by the Authority for the discharge of its function.
29. All vessels issued with a Category One Permit may be required to have fitted at the owners expense a remotely accessed electronic reporting device and transmit the required information at the specified reporting intervals as set out in the flexible permit conditions.
30. The Authority may require tags issued by the Authority to be fitted to fishing gear as set out in the flexible permit conditions.
31. Failure to comply with any permit conditions constitutes a contravention of this byelaw.

Flexible Permit Conditions

32. The Authority may introduce flexible permit conditions which fall within one or more of the categories listed in paragraph 33.
33. The categories referred to in paragraph 32 are:
 - (a) Catch restrictions;
 - (b) Gear restrictions;

- (c) Vessel restrictions;
 - (d) Spatial restrictions;
 - (e) Temporal restrictions;
 - (f) Fishery information.
- 34.** The Authority may introduce, remove or vary any flexible permit conditions following a review conducted in accordance with the review procedure set out in paragraphs 42 to 44.
- 35.** The flexible permit conditions that apply until they are reviewed pursuant to paragraphs 42 to 44 are those set by the Authority taking into account the Impact Assessment that accompanies this byelaw and all other material considerations.
- 36.** Failure to comply with a flexible permit condition constitutes a contravention of this byelaw.

Permit suspensions

- 37.** A permit may be suspended or permanently withdrawn by the Authority for the purposes of environmental protection, fisheries conservation or non-compliance with the provisions of the byelaw or byelaw conditions subject to the considerations in paragraph 38.
- 38.** In deciding whether to suspend or withdraw a permit the Authority may consider:
- (a) all available scientific and survey data;
 - (b) internal scientific advice from within its membership;
 - (c) advice provided by the Centre for Environment, Fisheries and Aquaculture Science;
 - (d) advice provided by the Department for the Environment, Food and Rural Affairs;
 - (e) advice provided by the Marine Management Organisation;
 - (f) advice provided by Natural England;
 - (g) advice provided by the Environment Agency;
 - (h) advice provided by other external authorities, organisations, persons or bodies as the Authority thinks fit;

- (i) representations from fishing permit holders;
 - (j) information from any other relevant source.
- 39.** Prior notice of permit suspension will be provided in writing to the permit holder at least ten working days prior to any suspension or withdrawal taking effect.
- 40.** Any representations must be lodged in writing to the Authority within five working days of the date of the original notice provided to the permit holder.
- 41.** Notification of the final decision will be made in writing to the permit holder within five working days of the final decision.

Review Procedure

- 42.** The Authority shall review the flexible permit conditions not less than once every five years.
- 43.** A review of the flexible permit conditions shall be undertaken as follows:
 - (a) The Authority shall consult in writing with permit holders and such other stakeholders, organisations and persons as appear to the Authority to be representative of the interests likely to be substantially affected by the proposed future management options;
 - (b) The Authority will make a decision whether to introduce, remove or vary any flexible permit conditions based upon the consultation set out in paragraph 43 (a) and the information gathered from permit holders and the processes listed in paragraph 44.
 - (c) Following any such decision by the Authority to change the flexible permit conditions, permit holders will be notified in writing and permits will be amended as necessary at no cost to the permit holder.
- 44.** The information referred to in paragraph 43 (b) includes any one or more of the following:
 - (a) Data collected from permit holders;
 - (b) Scientific and survey data gathered by the Authority or provided to the Authority by such other bodies, organisations or persons as the Authority shall think fit;
 - (c) Scientific advice provided by CEFAS or such other bodies, organisations or persons as the Authority shall think fit;

- (d) Advice given by Natural England or such other bodies, organisations or persons as the Authority shall think fit;
- (e) An Impact Assessment of any proposed changes;
- (f) Information from any other relevant source.

Revocations

- 45.** The byelaw with the title 'XXII – Permit to fish for lobster, crab, velvet crab and whelk' made by the Committee for the North Eastern Sea Fisheries District on 31 October 2006 in exercise of its power under section 5 of the Sea Fisheries Regulations Act 1966 (c.38) and confirmed by the Secretary of State on 17 May 2006, in force immediately before the making of this byelaw is revoked.
- 46.** The byelaw with the title 'XXVIII Crustacea Conservation Byelaw 2018' made by the North Eastern Inshore Fisheries and Conservation Authority on 14 June 2018 in exercise of its power under section 155 and 156 of the Marine and Coastal Access Act 2009 and confirmed by the Secretary of State on 8 August 2018, in force immediately before the making of this byelaw is revoked.

**I hereby certify that the above Byelaw was made by the Authority at its meeting on.....
.....2022.**

Caroline Lacey

Clerk

North Eastern Inshore Fisheries and Conservation Authority

Town Hall

Quay Road

Bridlington

East Yorkshire

The Secretary of State for Environment, Food and Rural Affairs in exercise of the powers conferred by section 155 (4) of the Marine and Coastal Access Act

2009, confirms this byelaw made by the North Eastern Inshore Fisheries and Conservation Authority on.....2022.

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

Date:

Explanatory note

(This note is not part of the byelaw)

This byelaw establishes two types of fishing permit scheme covering the commercial and leisure exploitation of key shellfish stocks within the District.

For commercial fishers, the byelaw caps the maximum number of shellfish permits in any one year and sets a maximum number of pots able to be worked by a vessel.

For leisure fishers, the byelaw sets a daily bag limit of 2 lobsters and 10 crabs and specifies a maximum gear limit of five pots or 100 metres of fixed net per operator per day.

The byelaw prohibits the in-combination use of fixed nets and pots by leisure fishermen during any singular fishing trip. Such fishermen may only work a maximum of 100 metres of fixed net per day, regardless of the target species. The intention of the byelaw regulation is to improve the management of fishing effort on shellfish stocks.

8b

North Eastern IFCA Shellfish Permit Byelaw

The Permit Conditions:

Interpretations

In the following Flexible Permit Conditions:

‘berried lobster’ means a lobster with eggs or spawn attached to the tail or other exterior part of the lobster, or in such a condition as to show that at the time of capture it had eggs or spawn so attached;

‘crab’ means either edible crab or velvet crab;

‘fishing trip’ means the entire period between leaving and returning to port;

‘flap’ in relation to the tail of a lobster means any part of the central three flaps of the tail fan of the lobster including the telson with anus and left and right uropod immediately adjacent to the telson;

‘fleet’ means a contiguous collection of individual pots connected by rope, rigging or any other method;

‘mutilated tail’ means any lobster with any damage likely to obscure a ‘v’ notch mark or absence of either one or both inner flaps of the tail fan either side of the main tail flap. Any other damage or mutilation to, or absence of, any other tail flap, excluding the two inner flaps, is not classed as mutilation for the purpose of these permit conditions;

‘pleopod’ means the small abdominal leg of a female lobster attached to the abdomen used for swimming and brooding eggs;

‘mutilated pleopod’ means any visible damage, abrasion, mutilation or absence of any pleopods on a female lobster;

‘overall length’ means the overall length of the vessel as detailed on its official certificate of registry;

‘pot size’ means the dimensions of the pot at its maximum size;

‘soft shelled lobster’ means a lobster which has recently cast its shell and is malleable under manual pressure;

‘sunset list’ means a list of vessels who possess a track record of fishing for crustacea using pots in ‘Area A’ or ‘Area B’ since January 2016 and have registered catches of lobster and crab with the Authority and were placed on the list before February 2019;

‘three nautical mile limit’ means the three nautical mile line as measured from the baselines as they existed at 25th January 1983 in accordance with the Territorial Waters Order in Council 1964;

‘v-notched lobster’ means a lobster with a notch in the shape of the letter ‘v’ with a depth of at least 5 mm in at least one of the inner flaps of the tail fan either side of the main tail flap. The depth of the ‘v’ notch is measured vertically from the distal edge of the flap (not including the setae) to the apex of the ‘v’

‘vessel’ means a ship, boat, raft or watercraft of any description and includes non-displacement craft, personal watercraft, seaplanes and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle, used or capable of being used as a means of transportation on water;

Species

‘crab’ means either an edible crab or velvet crab;

‘edible crab’ means a crab of the species *Cancer pagurus*;

‘velvet crab’ means a crab of the species *Necora puber*;

‘lobster’ means a lobster of the species *Homarus gammarus*;

‘Nephrops’ means a Norway lobster of the species *Nephrops norvegicus*;

The Permit Conditions

1 Catch restrictions

As provided by paragraph 33 (a) of the North Eastern IFCA Shellfish Permit Byelaw 2022, the following permit conditions apply:

General conditions

- 1.1 A permit holder must not remove from a fishery within the District any edible crab or part thereof which is detached from the body of the crab, but shall return the same to the sea immediately unless the following criteria have been met:
 - (a) the total of such parts is not more than 10% of the total weight of all species subject to a minimum landing size other than crustacea, landed by the same person on one occasion; and
 - (b) the edible crab was caught in a fixed net and the part became detached from the crab in the course of clearing the net.
- 1.2 A permit holder must not remove from a fishery within the District the tail, claw or any other detached part of a lobster.
- 1.3 A permit holder must not remove from a fishery within the District any clawless lobster. Any clawless lobster shall be returned immediately to the sea in a position as near as possible to that part of the sea from which it was taken.
- 1.4 A permit holder must not remove from a fishery within the District any soft shelled lobster. Any soft shelled lobster shall be returned immediately to the sea in a position as near as possible to that part of the sea from which it was taken.
- 1.5 A permit holder must not remove from a fishery within the District any edible crab which has not attained a carapace width of 140 mm but shall return the same to the sea immediately in a position as near as possible to that part of the sea from which it was taken.

Additional Category Two Permit conditions

- 1.6 A Category Two Permit holder not fishing by vessel is not authorised to remove from a fishery within the District:
 - (a) any 'V'-notched lobster;
 - (b) any lobster with a mutilated tail;
 - (c) any berried lobster;
 - (d) any female lobster with mutilated pleopods.

- 1.7 Any animal described in paragraph 1.6 of these conditions must be returned immediately to the sea in a position as near as possible to that part of the sea from which it was taken.
- 1.8 A Category Two Permit holder shall not fish for or take more than 2 lobsters and a combined total of 10 crabs of the specified shellfish species, which must be landed on the same calendar day on which they were caught.
- 1.9 Any of the specified shellfish species caught over the daily limits prescribed in paragraph 1.8 of these conditions must not be landed, retained or stored but shall be returned immediately to the sea in a position as near as possible to that part of the sea from which they were taken.
- 1.10 The daily catch limits prescribed in paragraph 1.8 of these conditions cannot be aggregated over multiple days.

2 Gear restrictions

As provided by paragraph 33 (b) of the North Eastern IFCA Shellfish Permit Byelaw, the following permit conditions apply:

Escape gaps

- 2.1 A permit holder must not use a pot within Area A (paragraph 4.1 of these conditions) or Area C (paragraph 4.3 of these conditions) for the purpose of fishing for specified shellfish species unless the following criteria have been met:
 - (a) the pot has at least one unobstructed escape gap located in its exterior wall or, in the case of a multiple chambered pot, each individual chamber has an unobstructed escape gap located in its exterior wall;
 - (b) each escape gap is of sufficient size that there may be easily passed through the gap a rigid box shaped gauge 80 mm wide, 46 mm high and 100 mm long;
 - (c) the escape gap is located within the pot in such a way that the longitudinal axis is parallel to the base of the pot and is located in the lowest part of the chamber as is practically possible and within 50 mm of the base.

Category One Permit effort limitation

- 2.2 A Category One Permit holder may only use the number of pots allocated to the permit by the Authority in writing, up to a maximum number of 1000 pots.
- 2.3 A Category One Permit holder must declare to the Authority, on application and renewal, the number of pots per fleet that will be used by the vessel associated with the permit.

- 2.4 The maximum number of pots per fleet declared under paragraph 2.3 of these conditions will be used to determine the maximum number of fleets able to be used by the vessel associated with a Category One Permit, taking into account the maximum number of pots allocated under paragraph 2.2. The maximum number of fleets will be notified in writing when the permit is issued.
- 2.5 A Category One Permit holder may only use up to a maximum number of fleets as stated on the issued permit letter.
- 2.6 A Category One Permit holder may only use up to a maximum number of pots per fleet as stated on the issued permit letter.
- 2.7 A Category One Permit holder may, at any time, change the declared numbers of pots per fleet that will be used by the vessel associated with the permit in writing.
- 2.8 When notified under paragraph 2.7, the Authority will notify, in writing, the permit holder the maximum number of fleets able to be used by the vessel associated with a Category One Permit, taking into account the maximum number of pots allocated under paragraph 2.2.

Category Two Permit effort limitation

- 2.9 A Category Two Permit holder may only use up to a maximum number of 5 pots.
- 2.10 A Category Two Permit holder may only use a single net, up to a maximum length of 100 metres per vessel per day to fish for specified shellfish species.
- 2.11 Fishing for specified shellfish species using both nets and pots on the same calendar day is not permitted.
- 2.12 A Category Two Permit holder must not use any keep box or similar device to store specified shellfish species in the sea or in any estuary or in any harbour or marina within the District.
- 2.13 Multiple Category Two Permits must not be used to fish from a vessel on each singular fishing trip.

Gear marking - General

- 2.14 A permit holder is not authorised under this permit to use any pots, for the purpose of fishing, within the District unless all individual pots or each fleet of pots is clearly marked by at least one floating marker (buoy or dahn). Each of these floating markers shall be clearly marked with either the relevant fishing vessels registration (port letters and numbers) of the vessel named on the permit or the permit number.

- 2.15 It is not permitted for any permit holder to fish for specified shellfish species using pots associated with another permit.

Gear Marking – Additional Category One Permit conditions

- 2.16 A Category One Permit holder must clearly mark each fleet of pots with a unique, sequential, numerical fleet identification number. The fleet identification number must be located on each of the floating markers prescribed in paragraph 2.14 of these conditions. The fleet identification number can not exceed the maximum fleet number notified under paragraph 2.4 of the byelaw.
- 2.17 A category One permit holder must also attach or fix any tags bearing a unique reference number, issued by the Authority, to associated fishing gear as required by the Authority.

Gear Marking – Additional Category Two Permit conditions

- 2.18 Category Two Permit holders will be issued with 5 tags bearing a unique reference number.
- 2.19 Each pot or net must be individually tagged with one of the tags issued by the Authority.
- 2.20 Lost or damaged tag(s) must be reported to the Authority immediately.
- 2.21 Replacement of lost or damaged tag(s) requires a new permit application and will be subject to the permit fee stated in paragraph 23 of the byelaw.

Bait

- 2.22 A permit holder must not use any of the specified shellfish species for bait with the exception of the following:
- (a) the use of any cooked crab offal as bait; and
 - (b) The use of velvet crab, above the statutory minimum landing size as bait.

Maximum pot size

- 2.23 A permit holder or named representative must not use any pot with a size exceeding 50 cm high x 60 cm wide x 110 cm long.

3 Vessel restrictions

As provided by paragraph 33 (c) of the North Eastern IFCA Shellfish Permit Byelaw, the following permit conditions apply:

Vessel length

3.1 A Category One permit holder must not use a pot from a vessel exceeding 10 metres overall length in Area A or Area B unless the following criteria have been met:

- (a) the vessel is on a sunset list maintained by the Authority;
- (b) the vessel does not exceed 14 metres overall length;
- (c) there is no change of ownership since being placed on the sunset list affecting the major share holding in the vessel concerned.

3.2 A Category One permit holder must not use a pot from a vessel exceeding 16 metres overall length

Vessel limitation

3.3 A maximum of two hundred and thirty four Category One Permits will be issued in any one calendar year.

4 Spatial restrictions

4.1 Area A means those tidal waters and parts of the sea bounded by the following:

- (a) to the North by the boundary of the District, to the South by a line drawn 045°T from the light on the South Pier at the mouth of the Tees Estuary (position Lat 54° 38.847' N Long 001° 08.251' W) to the three nautical mile limit and to the East by the three nautical mile limit.

4.2 Area B means those tidal waters and parts of the sea bounded by the following:

- (a) to the South by the boundary of the District, to the North by a line drawn 045°T from the light on the South Pier at the mouth of the Tees Estuary (position Lat 54° 38.847' N Long 001° 08.251' W) to the three nautical mile limit and to the East by the three nautical mile limit.

4.3 Area C means those tidal waters and parts of the sea bounded by the following:

- (a) to the North by a line drawn 045°T from the light on the South Pier at the mouth of the Tees Estuary (position Lat 54° 38.847' N Long 001° 08.251' W) to the boundary of the District, to the East by the six nautical mile boundary of the District and to the South by the boundary of the District.

5 Temporal restrictions

6 Fishery information

Title: XXVIII Shellfish Permit Byelaw 2022 IA No: RPC Reference No: Lead department or agency: North Eastern IFCA Other departments or agencies:	Impact Assessment (IA)			
	Date: 17/11/2022			
	Stage: Development/Options			
	Source of intervention: Domestic			
	Type of measure: Primary legislation			
Contact for enquiries: David McCandless				

Summary: Intervention and Options	RPC Opinion: RPC Opinion Status
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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
£m	£m	£m	Qualifying provision

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

Government intervention is required to redress market failures in the marine environment by implementing appropriate management measures (this byelaw) to conserve features to ensure negative externalities are reduced or suitably mitigated. Implementing this byelaw will support continued provision of public goods and services in the marine environment. Specifically, this byelaw will support the long-term sustainability of shellfish in the NEIFCA district by regulating fishing effort upon shellfish stocks.

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

To implement effort limitation as a precautionary approach to avoid over-exploitation of shellfish in the NEIFCA district.

To introduce effort limitation as a management measure to regulate fishing effort within the NEIFCA district.

To provide a flexible framework to ensure evidence-based management measure may be implemented in a time effective manner.

To promote sustainable fisheries while conserving the marine environment.

To reduce negative externalities and ensure continued provision of common goods.

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

Option 0. Do nothing

Option 1. Replace the existing Shellfish Permit Byelaw regulation with a flexible byelaw model which introduces effort limitation.

Option 2. Use of non-regulatory/voluntary measures.

Option 3. Revoke the current Byelaw

Will the policy be reviewed? It will be reviewed. **If applicable, set review date:** 12/2027

Is this measure likely to impact on international trade and investment?	No			
Are any of these organisations in scope?	MicroYes	Small Yes	Medium Yes	LargeYes
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)	Traded: N/A		Non-traded: 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 SELECT SIGNATORY:  Date: 17/11/2022

Summary: Analysis & Evidence

Policy Option 1

Description:

FULL ECONOMIC ASSESSMENT

Price Base Year 2022	PV Base Year 2022	Time Period Years 5	Net Benefit (Present Value (PV)) (£m)		
			Low: Optional	High: Optional	Best Estimate:
COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)	
Low	Optional		Optional	Optional	
High	Optional		Optional	Optional	
Best Estimate	£79,340.14		£79,340.14	£396,700.70	
Description and scale of key monetised costs by ‘main affected groups’ A total of £79,340.14 is estimated related to the cost of administration (£17,995.24), tags (£13,532.40) and scientific monitoring work (£47,812.50) required to support the management measures introduced. Estimated cumulative cost of £45,800 for Category One Permits (calculated based on current 216 permits) across a tiered permit fee scheme and £27,780 for Category Two Permits (calculated based on 2778 recreational permits). Potential loss of landings cannot be calculated due to lack data.					
Other key non-monetised costs by ‘main affected groups’ Displacement of commercial fishing effort to outside of the NEIFCA district is anticipated due to the introduction of effort limitation capping the number of pots to 1000 within 6nm. Potential implications of this could be gear conflict between potting vessels and scallop vessels beyond 6nm which could result in a loss of gear for the potting fleet.					
BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)	
Low	Optional		Optional	Optional	
High	Optional		Optional	Optional	
Best Estimate					
Description and scale of key monetised benefits by ‘main affected groups’ No monetised figures are available for the benefits of the recommended introduction of effort limitation and introduction of a flexible byelaw model. However, significant and potential benefits are described below.					
Other key non-monetised benefits by ‘main affected groups’ Ensuring sustainability of stocks by regulating fishing effort through the introduction of effort limitation. Implementation of a flexible byelaw model will benefit the shellfish fishery by allowing for changes to be made to the byelaw conditions based on new evidence. This will improve NEIFCA’s ability to implement effective measures in a proactive manner.					
Key assumptions/sensitivities/risks				Discount rate (%)	
Based on CEFAS 2019 lobster stock assessment exploitation in the region is high and above the level required for maximum sustainable yield (both sexes). Based on CEFAS 2019 edible crab stock assessment exploitation is moderate (females) to high (males) and above the level required for maximum sustainable yield. Key monetised costs to industry for permit fees is based on the assumption that permit holders will request for pot tiers which correspond with their current estimated total number of pots.					

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			Score for Business Impact Target (qualifying provisions only) £m:
Costs:	Benefits:	Net:	

Evidence Base

1. Problem under consideration and rationale for intervention

- 1.1 Current NEIFCA regulations allows any UK registered vessel with a shellfish entitlement to obtain a shellfish permit for fishing within the NEIFCA district. According to the 2019 CEFAS stock assessment the exploitation of the lobster stock is already over the Maximum Sustainable Yield threshold and additional pressure on the local stocks could potentially lead to a collapse. This would affect all levels of the supply chain and the lack of any effort limitation cannot support any sustainable fisheries for crabs and lobsters.
- 1.2 The lobster and crab fisheries has been deemed as data poor. The impacts of the COVID-19 pandemic and the transition in the catch return systems over the past 2 years, have increased this data deficiency. Therefore, a precautionary approach is required until more data is available to suitably assess the local crab and lobster stock and to ensure a sustainable fisheries management is in place.
- 1.3 The current shellfish byelaw does not allow any proactive and time efficient implementation of new management measures. Any changes to the current byelaws will have to go through a up to 2-year process before it can be implemented. The new flexible byelaw will allow a more proactive and efficient management of the shellfish fisheries as the conditions in the byelaw can be amended without having to replace the whole byelaw.

2. Rationale and evidence to justify the level of analysis used in the IA (proportionality approach)

2.1 Inshore Fisheries and Conservation Authorities have duties to ensure that fish stocks are exploited in a sustainable manner, and that any impacts from that exploitation on designated features in the marine environment are reduced or suitably mitigated, by implementing appropriate management measures (e.g. this byelaw). Implementing this byelaw will ensure that fishing activities are conducted in a sustainable manner and that the marine environment is suitably protected.

2.2 Fishing activities 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 occur 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.

2.3 IFCA byelaws aim to redress these sources of market failure in the marine environment through the following ways:

- Management measures to conserve designated features of European marine site 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 sea of the IFCA District.
- Management measures will also support continued existence of common goods in the marine environment, for example ensuring the long term sustainability of fish stocks in the IFCA District.

3. Policy objective

3.1 The policy objective pertinent to this IA is to ensure that stocks are exploited in a sustainable manner, that the regulations are easier to navigate for resource users and to increase the levels of compliance. It will limit potting levels in the NEIFCA District in the interest of conservation of the marine environment and allow a flexible more proactive fisheries management.

4. Evidence Base

4.1 Stock Status – Lobster (*Hommarus gammarus*)

4.1.1 The Centre for Environment Fisheries & Aquaculture Science produce stock status reports for European lobster and edible crab across five stock fisheries units biennially. However, due to the coronavirus pandemic the most recent stock status reports for these species were published in 2020 reporting on the previous year. The NIEFCA district crosses two stock fisheries units; Northumberland and Durham, and Yorkshire Humber for lobster.

4.1.2 The exploitation status of lobster across both stock units were reported as high, above the level required for maximum sustainable yield (MSY) for both sexes for the Yorkshire Humber stock unit and at the limit reference point for males and above for females for the Northumberland and Durham stock unit¹. Biomass status is generally reported to be low for the two stock assessment units, below the minimum reference point for females and close to the minimum reference point for males in the Northumberland and Durham stock unit¹. Whereas, biomass status for females in the Yorkshire Humber stock unit were reported to be stable albeit close to the minimum reference point¹. CEFAS reported no change in the status of stock within both stock units since 2017.

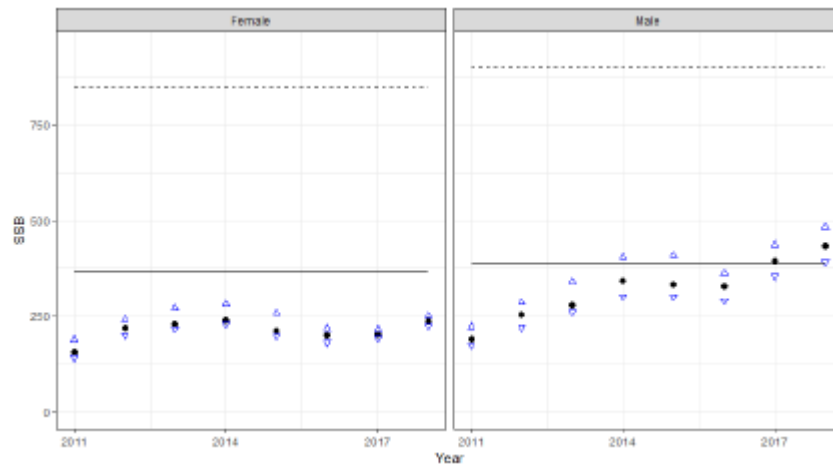


Figure 1. Time series of biomass estimates and MSY target (dashed) and minimum reference point limit (solid)¹.

4.1.3 A NEIFCA stock summary report published in 2018, noted a steady increase in annual exploitation rates ranging from 40-55% for male lobsters and 45-65% for females². Between 2016 and 2017 a reduction was seen in exploitation rates of ~9%, attributed to the introduction of a new management measure for the inclusion of escape gaps implemented at the end of 2016 by the NEIFCA byelaw XXVIII.² Conclusions drawn within this report highlighted the vulnerability of stock and suggested that a significant increase in spawning stock biomass (SSB) and/or a reduction in fishing mortality would be required to achieve maximum sustainable yield (MSY).

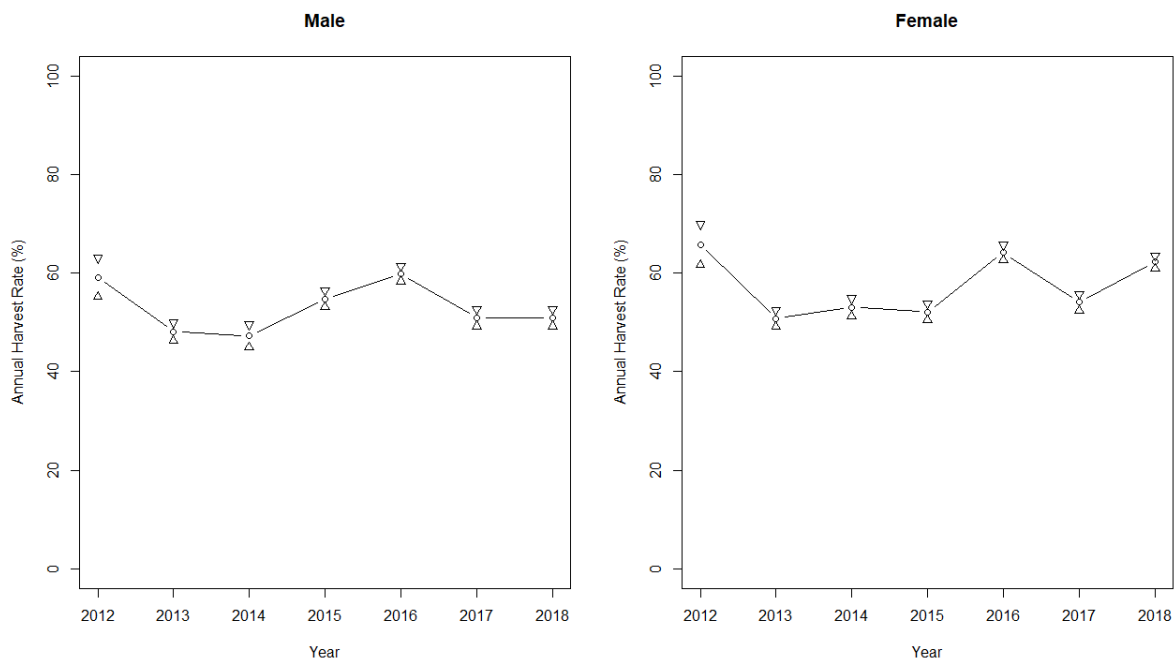


Figure 2. Figure 1. Chapman-Robson derived estimates of annual harvest rate for lobster from quayside sampling for the period 2012-2018. Includes 95% confidence intervals².

4.2 Stock Status – Edible crab (*Cancer pagurus*)

4.2.1 Assessment of edible crab stock status within the NEIFCA district is predominantly covered within the CEFAS stock fishery unit Central North Sea, however, the southern extent of the NEIFCA district extends into the Southern North Sea stock unit.³ In 2019, the exploitation of edible crab was consider high for males and sits at the maximum reference point limit. Whereas, for females exploitation was reported to be moderate, with rates that were likely to be sustainable yet still above the MSY³. Estimates

of SSB were reported to be at and approaching the target level for females and males respectively, with the status of the stock noted to remain unchanged since the last CEFAS assessment in 2017. However, the report also highlighted the importance of treating reported spawning stock status with caution due to the potential for the stock assessment model to interpret large increases in landings as an increase in spawning stock³. Anecdotal information on increased fishing activity in both pot numbers and distribution was suggested as likely factors resulting in the increased landings of crab reported for that year³.

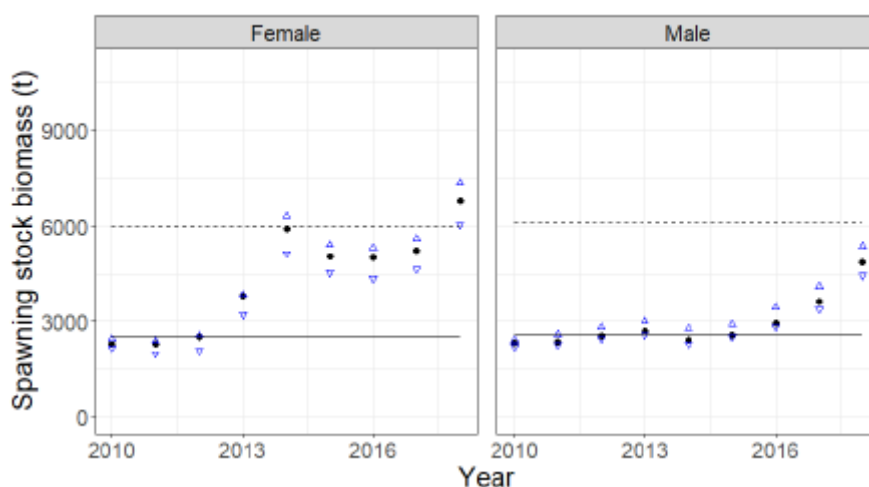


Figure 3. Time series of biomass estimates and MSY target (dashed) and minimum reference point limit (solid)³.

4.2.2 Additionally, annual harvest rates of 49% and 47% for male and female lobsters respectively were published in a NEIFCA stock summary report in 2018⁴. The findings of which are comparable to that of CEFAS' 2019 stock status report, as NEIFCA (2018)⁴ described the general status of crab stocks within the district as fairly low and noted that fishing mortality rates are above that required to achieved MSY.

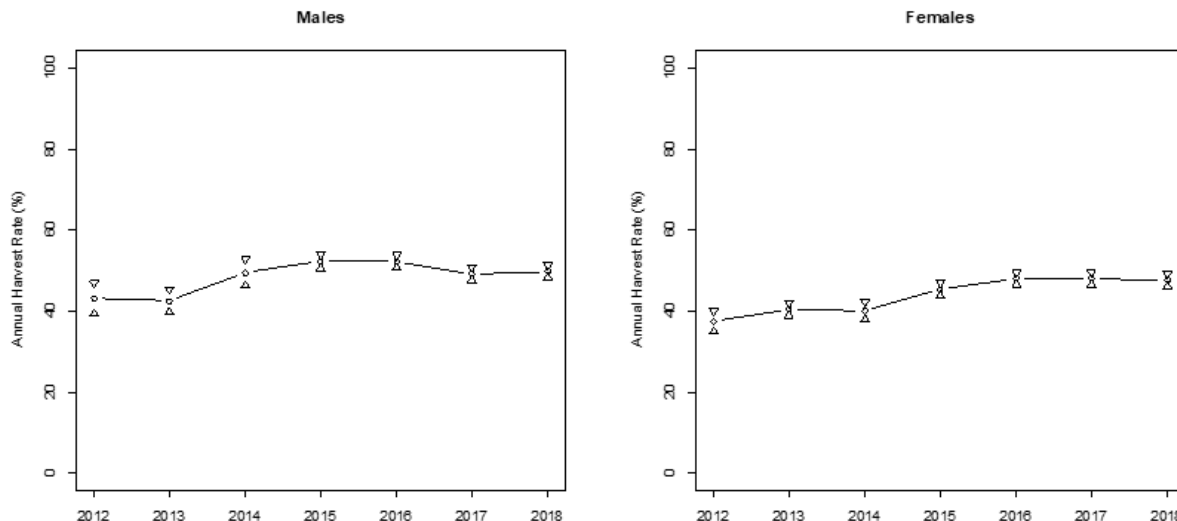


Figure 4. Chapman-Robson derived estimates of annual harvest rate for edible crab from quayside sampling for the period 2012-2018. Includes 95% confidence intervals.

4.3 Findings of the CEFAS stock assessment must be placed into a wider context when applied to the status of shellfish stocks within the NEIFCA district due to the spatial disparity between CEFAS stock fisheries units and the NEIFCA boundary. There are additional challenges in assessing the status of edible crab stocks due to their migratory behaviour between inshore and offshore areas. Whilst, the most recent CEFAS stock status report (2019) suggests that edible crab stocks in the Central North Sea stock unit are above the minimum reference point, anecdotal information from the industry this year reports a decline in crab landings across the NEIFCA district. In comparison, anecdotal reports from industry this year have noted that lobster landings have been as expected if not better. However, to ensure the health

of shellfish stocks and the future economic viability of the shellfish fisheries a precautionary approach is necessary.

5. Summary of 2022 informal consultation responses

5.1 The consultation did not ask specific questions, but instead outlined the approach NEIFCA intended to take with the new byelaw. As such, interpretation of statistics that are presented as percentage of respondents must be treated cautiously and used as an indication of general support or opposition only. Future formal consultation will include standardised questions to allow full quantification of responses.

5.2 A total of 56 consultation responses were received, however out of these only 6 respondents were from Bridlington. 64% of respondents agreed there was a need for effort limitation, while 57% agreed with a cap of 800 pots per permit. The use of track record data to inform final pot allocations, however, was broadly rejected with 37.5% opposing the proposal and only 8.9% supporting it. Two respondents voiced the opinion that pot allocation should be based on vessel size rather than track record

5.3 Common themes on the subject of track record were:

- Raising that there is a lack of clarity over the process of transferring permits upon sale of a vessel, replacement of a vessel or retirement.
- Concern of the impact that the mass mortality events will have on the track record process.
- Concern over the track record scheme for new starters, many dislike the idea of a waiting list as it prohibits new fishers from being able to plan ahead for their future.
- Concern over lack of clarity on the grounds by which fishers can appeal an allocation or new entrants application.
- Concern over track record scheme preventing them from expanding their business.
- Shellfish permit potentially being de-valued if permit involves a lower pot allocation.
- Concerns track record scheme will discriminate against smaller vessels which are currently unable to work large numbers of pots but that does not mean they should be restricted from working more in the future.
- Concern over the impact that the track record scheme and pot limit would have on the growth of the industry.

5.4 12.5% raised concerns specifically regarding their ability to earn a living from 800 pots which would force them to fish outside of 6 NM. Comments suggested this would result in:

- Increased effort intensity outside 6 NM which could have adverse effects on the stocks there.
- Increased gear conflict with scallopers outside the 6 NM limit resulting in greater loss of gear.
- Poor weather increasing the risk of losing gear if fishing further offshore.
- An increased risk to safety of fishermen if smaller vessels are forced to fish outside 6 NM due to exposure to bad weather.

5.5 25% of respondents expressed concern over the potential impacts on livelihoods, with some suggesting that an 800 pot limit would reduce their earnings and may result in the loss of crew positions. There was additional concern over the current rising cost of living, including fuel costs, and opposed the introduction of a permit fee (30%).

5.6 26.7% of respondents opposed the use of tags, particularly given the proposed location of the tags directly attached to the enders. Responses cited that enders are frequently lost due to bad weather so replacement of tags would be high, costly to fishermen and inconvenient. 7% suggested tagging every pot as an alternative as it would be easier to enforce.

5.7 Further concern was raised over the IFCA's ability to enforce the proposed effort limitation. One response stated that NEFCA was unable to haul a large number of pots to ensure the correct number of pots per fleet. Another suggested that some fishers may try to place an ender midway through a fleet so if officers are only checking the enders they may have more pots in a fleet than they have disclosed/are allowed to have.

5.8 50% raised concerns over the permit being relinquished or queried the process for transferring the permit to another vessel upon sale, replacement or change of ownership due to retirement.

5.9 Further Considerations

NEFCA conducted informal consultation with industry around the potential use of effort limitation in 2016. Consultation responses at that time showed 85% of respondents were in agreement that effort limitation was needed and should be implemented. Although, in this round of consultation only 86 responses were obtained from a total of 243 permit holders. The Fisheries Act 2020 requires the UK fisheries policy authorities to publish fisheries management plans (FMPs) to help deliver sustainable fisheries. While the final list of FMPs will be published in the Joint Fisheries Statement in November 2022, Defra is developing 6 'frontrunner' FMPs which includes one for crab and lobster. The crab and lobster FMP will cover stocks in English waters only. The Sea Fish Industry Authority (Seafish) is working closely with the Crab and Lobster Management Group, an industry-led advisory group, to draft the FMP. Concern has been raised that the consultation is being conducted in isolation and is not taking into account these wider planned measures. NEFCA involvement in the development of the draft crab and lobster FMP has been limited to date, with engagement in the science subgroup and stakeholder events.

6. Description of options considered

The following options have been considered:

6.1 Option 0: Do nothing - This option would involve allowing the existing NEFCA management regime to continue unchanged. While this would allow continued fishing at the same levels there is a risk of an increase in effort within the district and potential stock collapse

6.2 Option 1. Replace the existing Shellfish Permit Byelaw regulation with a flexible byelaw model - This option introduces effort limitation as a management measure to regulate fishing effort and ensure sustainability of shellfish stocks.

6.3 Option 2. Use of non-regulatory/voluntary measures – A voluntary agreement would need a 100% compliance to be effective and ensure a sustainable fishery. We believe that this cannot be achieved across the NEFCA district, due to the size of it and the number of licensed potting vessels. The tendency within the fishing sector is to exploit it to the maximum if there is an opportunity and financial reward, therefore fishermen would fish regardless of any voluntary agreements. With byelaws a high level of observance of regulation occurs, particularly as there are no ambiguities.

6.4 Option 3. Revoke the current Byelaw - This option would remove management regime and potentially lead to unrestricted fishing and potential stock collapse.

6.5 As options 0, 2 and 3 are not suitable in this instance, option 1 is therefore considered in the costs and benefits analysis.

7. Summary and preferred option with description of implementation plan

7.1 Option 1 was determined to be the preferred option to replace the existing shellfish byelaw with a flexible byelaw model and introducing effort limitation. This secondary legislation is expected to be implemented before the summer season of 2023 and resources are already in place to actively enforce its provisions. Although no additional implementation costs are expected the wider application of the revised regulations could increase the number of formal enforcement actions taken (but this cannot be estimated accurately at this stage). Any subsequent changes in compliance and enforcement actions will be monitored through the Post Implementation Review Plan. This plan will form part of the NEIFCA annual plan and will be published on the NEIFCA website.

8. Monetised and non-monetised costs and benefits of each option (including administrative burden)

8.1 Analysis of fisheries costs

8.1.1 The costs incurred by the commercial fishing industry are primarily due to the introduction of a permit charge. Under the proposed byelaw a tiered permit fee scheme would be implemented, with the cost of a permit related to the number of pots that a permit holder wished to operate within the NEIFCA district up to a maximum of 1000 pots (Table 1.). The costs presented in table 1 are calculated based on the best known estimates of total number of pots for each vessel with a current NEIFCA shellfish permit. There are currently five trawl vessels which hold a commercial shellfish permit to allow for them to land shellfish, as these vessels do not primarily target shellfish and are assumed not to be working pots the lowest permit fee tier will be applied of £50.

Table 1. Permit fee cost analysis for existing commercial shellfish permit holders in the NEIFCA district.

Pot numbers	Permit fee (£)	No. of Vessels	Cost (£)
0-250	50	42	2100
251 - 500	150	46	6900
501-750	250	17	4250
751-1000	350	22	7700
Other (unknown pot no.'s)	250	48	12000
Trawlers	50	5	250
>1000	350	36	12600
Total		216	45,800

8.1.2 Out of the current 216 commercial vessels with a shellfish permit in the district, 16% are estimated to work a total number of pots greater than 1000. However, there are no data to enable estimated pot numbers to be calculated for 14% of commercial shellfish permit holders. Therefore, although it is unlikely that all of the vessels which comprise the 14% of unknown pot numbers are fishing over 1000 pots, the introduction of effort limitation and capping the total number of pots fished to 1000, may have the potential to effect up to 31% of the fleet. For the 14% of vessels with unknown pot numbers, a fee of £250 was used in calculations as it corresponds with the average number of pots (733) worked by vessels in the NEIFCA district.

8.1.3. The economic cost to vessels who currently operate over 1000 pots could not be calculated due to a lack of data. Likewise, it was intended as part of this impact assessment to assess how the introduction of effort limitation may impact the daily effort of vessels, however, due to insufficient data this was not achievable.

8.1.4 For recreational shellfish permit holders, the key monetised cost was the addition of a £10 permit fee. This results in a total incurred cost to the recreational sector of £27,780.

8.2 Analysis of administrative and scientific monitoring costs

8.2.1 The administrative cost of issuing of permits and tags is estimated at a total of £17,995.24. This is based on the staff time required to process a permit with associate with tags and the consumables used in producing the permit. The total cost of tags issued to each permit holder (commercial and recreational) is presented in table 2. The new byelaw regulation stipulates that 3 tags must be present on each fleet of commercial fishing pots. The calculations presented in table 2 are based on the assumption that all vessels work 1000 pots, composed of 20 fleets with 50 pots per fleet as well as, 5 tags issued for each recreational permit holder (2778 recreational permits).

Table 2. Cost of tags to be issued for commercial and recreational shellfish permits.

Number of tags per fleet	Number of fleets per vessel	No. of tags per vessel	Number of vessels	Total no. Commercial of tags	Total no. of Recreational tags	Total No. of Tags	Cost per tag	Total cost of tags
3	20	60	216	12,960	13,890	26,850	£0.504	£13,532.40

8.2.2. The cost associated with scientific monitoring work required to support the implementation of effort limitation and the means by which to measure its effectiveness in relieving fishing effort on shellfish stocks is estimated to be a total of £45,000 per annum. This is comprised of the operational costs for the *North Eastern Guardian III* vessel (£3,000 day rate) operating 15 potting survey days over the sampling season (May to September).

8.3 Non-monetised cost

The introduction of effort limitation within the NEIFCA district could result in the displacement and increase in effort outside the 6NM. This could potentially cause increased gear conflict between potting and scallop dredging vessels and an increase of pressure on the stock outside the NEIFCA district.

9. Monitoring and Evaluation

The existing NEIFCA's stock monitoring program will be enhanced through regular surveying of catches at sea and point of landing. Annual stock assessments will be analysing potential changes in size frequencies, biomass and population structure comparing with historical data to evaluate the impacts of the effort limitation. The outcome of annual stock assessment and an economic analysis will determine whether the management measures are effective enough or need to be amended in the flexible byelaw model. The exploitation of inshore shellfish stocks will also be monitored through the existing catch return system. Additionally, NEIFCA are currently developing a a new online catch return system which will resolve some of the data quality issues experienced at present when it comes to analysing catch returns and will provide a more user friendly interface for permit holders to submit their catch data.

The success of the intervention relies on 100% compliance which will be ensured through regular enforcement activities.

10. Summary

Option 1, was determined as the most appropriate method for the sustainable management of the edible crab and lobster fisheries in the NEIFCA district. The new flexible byelaw model will enable the authority to implement or amend fisheries management measures more effectively, when new evidence becomes available. The purpose of this byelaw is to permit fishing for shellfish on a regulated basis to prevent overfishing and ensure the sustainable exploitation of the stock. This will be achieved by limiting effort, monitoring exploitation levels via permit returns and assessing the status of inshore stocks through dedicated scientific potting surveys.

References

1	Cefas (2019). European lobster (<i>Homarus gammarus</i>) Cefas. Stock Status Report 2019 18 pp.
2	NEIFCA (2018). North Eastern IFCA European Lobster (<i>Homarus gammarus</i>). Stock Summary 2018 7pp.
3	Cefas (2019). Edible crab (<i>Cancer pagurus</i>) Cefas. Stock Status Report 2019 18 pp.
4	NEIFCA (2018). North Eastern IFCA Edible crab (<i>Cancer pagurus</i>). Stock Summary 2018 7pp.

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Authority Meeting
1 December 2022

Chief Officer's Operational Report

Report of the Chief Officer

A. Purpose of Report

To provide members with a comprehensive and detailed operational report covering the period June 2022 to November 2022.

B. Recommendation

That Members note the report.

1. Overview

1.1 NEIFCA

Major Engine Failure North Eastern Guardian III

On 28 July 2022 North Eastern Guardian III suffered a serious main engine failure at sea. On 1 August both engines were removed from the vessel and transported to NEIFCA's storage unit in Whitby to enable further assessment to be made. Engineers from the manufacturer, supported by the Authority's offshore engineering staff, subsequently dismantled and assessed the extent of the damage and the nature of the repair and overhaul required. This work has also included an inspection of associated components including gear boxes. The Authority's insurance providers have been kept fully informed throughout and an insurance surveyor has also attended to assess the nature and extent of the damage and repair. Decisions on funding the works were taken by the Executive Committee on 8 June 2022 and a further update on the financing will be provided at the meeting on 1 December 2022. At the time of writing this report officers were still awaiting a final decision from the vessel's insurers. Although a very significant unforeseen expense, officers expect that the enforced work on the main engines will add notable re-sale value to the vessel.

Repair and re-building of both engines was completed on Wednesday 19 October alongside some preliminary onshore testing. Work started on re-installing the engines back into the vessel week commencing 31 October 2022 followed by preliminary sea trials which commenced on Friday 18 November 2022. From an operational perspective the loss of the vessel has had a notable impact on the Authority's offshore surveyor programme,

cutting the annual potting survey off by two months and the planned scallop survey work. It also impacted on the delivery of the European Lobster Settlement Index (ELSI) project although the Holderness Fishing Industry Group were able to pick up most of the slack regarding that work which included bringing some survey gear ashore. Out of necessity, officers utilised support from the local fishing industry to bring other gear ashore prior to the onset of winter although this carried an additional cost.

Main Vessel Replacement Project Update

At the Authority meeting held on 8 June 2022 members agreed to progress the replacement of the main vessel under a finance arrangement managed by East Riding of Yorkshire Council (ERYC) with oversight delegated to the Executive Committee (Minute 14 refers). To support the preparatory phases the ERYC capital board approved the establishment of a small technical working group consisting of senior leads from procurement, legal, financial and technical. Two meetings of the technical group have now been held on 20 July 2022 and 21 September 2022.

The project is currently in the pre-market engagement phase and officers are in the process of visiting and assessing a number of potential shipyards across the UK, Europe and the Far East who have expressed an interest in potentially building a vessel. That assessment work includes inspecting facilities, examining the quality of builds in progress, associated knowledge and expertise and inspecting the quality of any finished products. Officers are working to complete pre-market engagement as quickly as possible before the end of this calendar year and following that, an outline specification and supporting procurement documentation will be finalised in readiness to go out to tender and subject of final review by the Executive Committee.

New Shellfish Management Proposals

Elsewhere on the agenda officers are seeking the formal making of a new shellfish permit byelaw regulation following an extensive amount of work completed over a number of years. The new shellfish permit byelaw will, if approved, establish a capped permitting scheme for potting and set a ceiling on the number of pots that can be set within the Authority's district. The new byelaw will also set a new tiered charging system for permits and reduce the number of non-commercial pots that unlicensed operators can fish from 10 to 5. Uniquely for NEIFCA the proposed management provisions will be attached as a set of conditions to the permit which can then be varied subject to following the consultative and decision-making mechanisms outlined within the regulation.

Tees & North Yorkshire Shellfish Mortalities

The ongoing response to the North East shellfish mortality situation continues to occupy a significant amount of officer time and resourcing and a further, more detailed update report has been provided elsewhere on the agenda for members consideration.

1.2 National

IFCA Conduct & Operation Review

Section 183 of the Marine and Coastal Access Act 2009 places a duty on the Secretary of State to lay a report before Parliament on the conduct and operation of IFCA's. This report must be carried out every four years and is scheduled for this year, 2022. This will be the

third time that IFCA's have been subject to statutory review since inception during 2010. The supporting process comprises of three main components. The first stage, involving the submission of a self-assessment from each IFCA Chief Officer has now been completed and a copy of the NEIFCA submission is attached below for members information. The second stage involving consultancy led consultation at key port locations throughout each IFCA district has just commenced and the third stage, an electronic questionnaire process across IFCA members and Local Authority representatives, has yet to commence. To support the review Defra are intending to run the processes across 6 regions, Northumberland & North Eastern IFCA, Eastern & Kent and Essex IFCA, Southern and Sussex IFCA, Devon & Severn IFCA, Cornwall & Isles of Scilly and North Western IFCA. All the work is expected to complete at the end of 2022, followed by the publication of a report sometime at the beginning of 2023.

NEIFCA Chief Officer's submission

Name: David Thomas McCandless

Role: Chief Officer

IFCA: North Eastern

IFCA office location(s): Bridlington

Every four years, the Secretary of State must prepare a report into the conduct and operation of IFCA's which must be laid before Parliament. This third quadrennial report will cover the period from September 2018 to the end of August 2022. We anticipate that it will be presented to Parliament early in 2023.

This commission to all Chief Officers is part of the research process and a wider call for evidence to a wide range of stakeholders and interested parties. It is an opportunity for you to provide evidence that will help Defra understand how each individual IFCA has worked to meet its duties and/or demonstrated the local leadership that might be expected of a statutory regulator.

How will your information be used?

We anticipate using the information you provide in a number of ways:

- Using your exact wording where possible for standardised questions.
- Collating some responses as part of a summary or discussion items
- Using extracts to inform detailed examples, such as case studies

Your returns will be released under FOI should a request be made to Defra. It would be helpful if you could observe word counts so that we can standardise responses across the IFCA's. The success criteria cover a range of questions that act as prompts for each IFCA.

Please ensure responses relate to the relevant period for the upcoming Conduct and Operations report (September 2018 to August 2022).

Introduction

- Please provide a brief description of your IFCA's key achievements over the past four years.

- | |
|--|
| <ul style="list-style-type: none">• Positive relationship with NEIFCA membership, reflected in a stable annual Levy with inflationary increases.• Consistent level of enforcement provision |
|--|

- 1510 inspections, 4422 observations, 131 verbal warnings, 122 formal warnings, 44 fixed penalty notices, 32 prosecutions.
- 2018 customer satisfaction survey, 515 responses collated, 94% indicating service provision good or very good.
 - 2019 stock management plan developed for scallop dredge fishery influenced an improved MCS sustainability score for North Sea dredged scallops.
 - August 2019, enhanced protection to sensitive MPA habitat features in the Humber via a new fishing regulation.
 - October 2019, enhanced protection to sea bird (estimated 412,000 sea birds) colonies at Flamborough & Filey Coast SPA & migratory fish populations via a new fixed netting regulation.
 - Two projects completed in partnership with Hull University during 2019/2020 examining marketing and development opportunities within the Bridlington lobster fishery.
 - May 2021 new 9.5m cabin RIB delivered
 - February 2022 Defra grant £264K awarded for a two year joint project with Holderness Fishing Industry Group to pilot the development of a European lobster (larval) settlement index.
 - February 2022 joint industry group established to support monitoring and research into shellfish mortality in the Tees Estuary meetings held February, April and July 2022.
 - March 2022 new NEIFCA website 'went live'

- Please provide a summary of any key issues or challenges your IFCA has faced surrounding inshore management within your district. N.B. Covid 19 will be covered in the next section.

Three main issues or challenges of note:

1. During 2015 NEIFCA faced a significant challenge resulting from a sudden influx of nomadic scallop dredgers seeking to move onto inshore fishing grounds, this was on an unprecedented scale necessitating the implementation of an emergency byelaw provision. This challenge carried through beyond 2018 as officers enhanced their knowledge of the condition of the stock and associated environmental impacts, culminating in a detailed fisheries management plan which was formally endorsed in 2019. 2. During 2020 to 2022 NEIFCA had to manage significant influxes of groups of intertidal shellfish gatherers removing quantities of crab, lobster and other marine species. Dealing with this particular issue necessitated extensive and close partnership working with other agencies including the GLAA, Borders, police and Local Authority, public protection teams. 3. At the beginning of October 2021 to present NEIFCA has had to manage the impacts of a mass shellfish mortality event within the Tees Estuary and surrounding waters. The response has included extensive partner agency engagement, led by Defra, to further associated investigations and working directly with and supporting the affected fishing industries.

- How have you supported the delivery of national priorities that emerged between 2018-2022? How have these changed your IFCA's delivery? This may include your response to changes that emerged as a result of the EU exit.

Emergent national priorities between 2018 and 2022 have included supporting preparations for day 1 EU exit and more recently from May 2022 supporting the development and progression of the national Fisheries Management Plan (FMP) work. These workstreams have been coordinated at national level through the Association of IFCAs and national working groups such as COG, NIMEG and the national Joint Operational Group shared with the MMO. In terms of EU exit a national joint agency coordinating group was established with the MMO to support risk-based asset tasking and deployment. NEIFCA played an active role in this programme gathering and submitting associated intelligence and making assets available for joint deployment when required but the regional risks remained low throughout and in the end no active deployment of assets were required from NEIFCA. EU exit has had a minimal impact on the NEIFCA district where fisheries are primarily non quota driven (shellfish) with very limited historical access to other EU states inside 12NM aside. The most notable challenge faced by the local industry related to the management of new administrative arrangements surrounding the export of crab and lobsters to the near continent. NEIFCA worked closely with the food safety teams in its lead local authority to support the smooth transition of those arrangements. During May 2022 NEIFCA engaged actively through COG to develop a framework of national IFCA leads to support active participation in the national FMP work. NEIFCA is providing leads in three of the priority FMP workstreams, scallops, crustacea and nephrops but this is challenging to resource. It is also worth noting that the establishment and development of the IFCA/Defra MAFCO group since 2020 is furthering a much stronger collaborative spirit and mutual understanding of joint priorities at national level which will grow and develop into future years. The national Association of IFCAs also continues to strengthen and develop under the new leadership of Rob Clark providing a much more collaborative and engaged framework at national level.

- Please outline what assets and equipment your IFCA uses, including rented equipment. Have there been changes to your IFCA's use of certain assets or equipment over the past four years? If so, please summarise how this has changed and why these changes occurred.

2 offices

Main office in Bridlington, East Riding of Yorkshire

Secondary office in Whitby, North Yorkshire

1 offshore vessel

North Eastern Guardian III (2007), 26m, based in Whitby, North Yorkshire

2 RIBs

FPV Protector III (2021), 9.5m cabin RIB

FPR Bravo I (2007), 6.4m open boarding RIB launched from North Eastern Guardian III stern ramp

5 Trucks/vans

1 VW 'Transporter' van

1 VW 'Caddy' Van

2 x Isuzu 'pickup' trucks

1 x 4x4 Ford Ranger

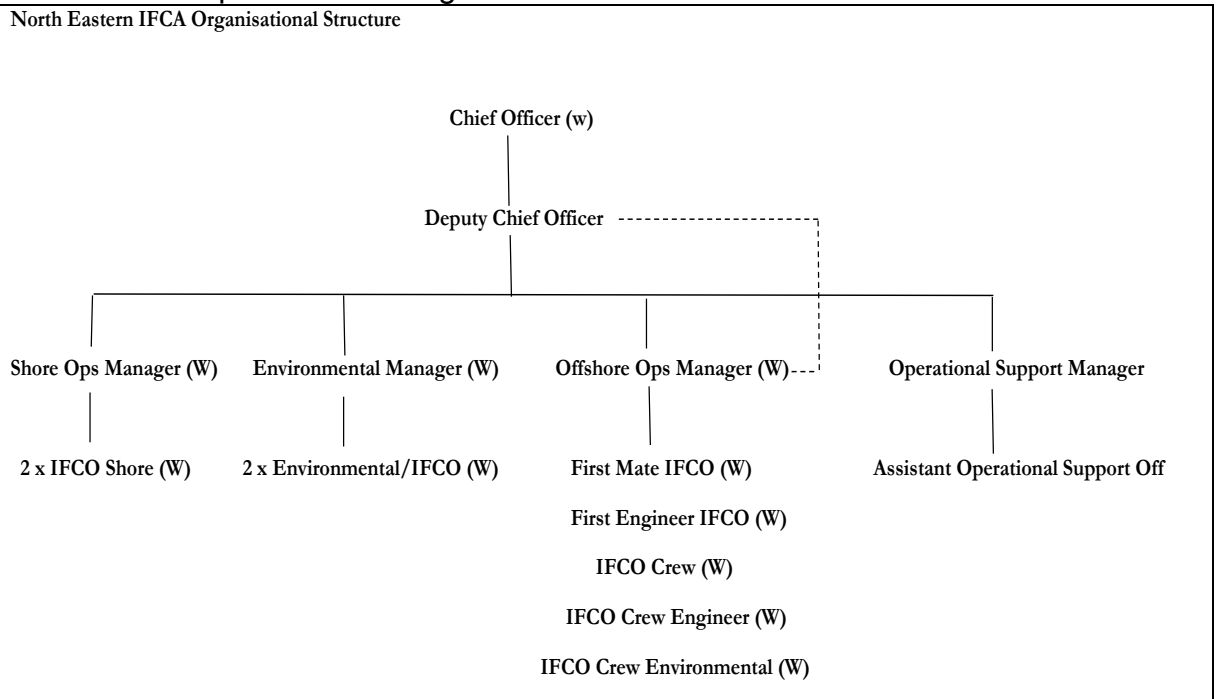
1 SUV – VW Tiguan

Since 2015 strengthened vehicle fleet reducing reliance on personal vehicle use and reduced the level of leasing with the majority of fleet owned by NEIFCA and

replaced as part of a 'rolling programme' – more cost effective. New cabin RIB delivered in May 2021 in response to increasing threat from nomadic scallop dredging activity provides greater stealth, intercept capability.

- Please provide the number of staff and a brief summary of their roles, to include numbers of warranted officers.

15 staff, 13 warranted (W), organisational structure outlined below. Four departments covering shore enforcement operations, environment and science, offshore operations and operational (administrative) support. One of the senior heads also acts as Deputy Chief Officer currently that role sits with the Offshore Operations Manager.



- How would you describe the relationship your IFCA has with other Defra Group ALBs? Are there agreements in place that facilitate sharing of assets or intelligence? What barriers prevent closer working and how have you overcome these?

I feel that NEIFCA has an excellent, active, operational relationship with all key ALB's particularly the Marine Management Organisation (MMO), the Environment Agency (EA) and the Centre for Environment Fisheries and Aquaculture Science (CEFAS). Cross warranting arrangements are in place with the EA (since 1996) with active joint enforcement working primarily onshore but also targeted ops offshore on occasions. Data sharing and asset sharing agreements are in place with the MMO including access to VMS/iVMS data, MCSS and intelligence gathering and sharing although I feel that the MMO have not made as much use of our available offshore assets as they could have done although general utilisation of IFCA assets has been risk driven. Joint monthly TCGs held with the MMO with daily 'on ground' comms and active joint enforcement activity routinely actioned

including mutual training and support. The Environmental and Science team work closely with colleagues in CEFAS sharing stock assessment data and other information and NE in relation to MPA work streams. This type of engagement has elevated significantly during the shellfish mortality events in the Tees Estuary. In the past it is fair to say that there have been organisational, cultural and personality barriers with ALBs which I feel have been broken down now, particularly during the last 5 years. All NEIFCA operational staff are now encouraged to work freely and without restriction with all key ALBs, primarily MMO and EA and I feel that that is the reality now. I do, however, also feel that there is a general lack of appreciation amongst ALBs in terms of just how limited and restrictive IFCA resourcing is and we should perhaps do more to try and manage expectations but by nature we try our very best to reactive positively to everything. At the end of the day we simply can't do or be across everything but very often I sense the expectation is the opposite perhaps driven by equivalent pressures faced by the other ALBs.

Covid 19 Impact and Response

- Please summarise the impact Covid 19 had on the activity of your IFCA.
- How did you respond to the Covid 19 pandemic e.g. by adapting communication methods?

Covid 19 created an unprecedented challenge for NEIFCA which necessitated a dynamic approach to working to ensure that staff remained safe and well whilst still maintaining a level of frontline service delivery which endured throughout the pandemic.

NEIFCA worked closely with the other IFCAs and with the MMO to develop reporting systems that could quickly feed relevant information into centralised government decision making within DEFRA. Working seamlessly with the MMO, key information about markets, prices, transportation and fishing effort were input into the system by both IFCA and MMO officers to help inform government actions.

Within NEIFCA all meetings and communications moved to virtual systems utilising available software such as Microsoft 'teams' and 'WhatsApp' messaging systems to maintain daily contact and support the delivery of 'day to day' core business. Additional systems of Covid risk assessments were developed and implemented, supported by the provision of essential PPE, all underpinned by an agreed set of national working practices to ensure consistency of approach. During the height of the pandemic 'face to face' interactions were significantly reduced alongside 'close quarter' interactions with stakeholders with much of the frontline work moving into observational and intelligence gathering modes. A much greater emphasis and reliance was placed on remote monitoring systems to assess compliance within the fishing sector particularly through AIS and VMS. This proved particularly valuable for NEIFCA in terms of effectively monitoring nomadic scallop dredging activity surrounding its district. Outside enforcement and compliance work Covid 19 had the greatest impact on the Authority's offshore survey programmes where onboard observer work had to be halted alongside 'in house' offshore survey work where minimum crewing levels had to be maintained. NEIFCA only started to return to more normalised operational practices at the beginning of March 2022.

Success Criterion 1:

IFCAs are recognised and heard, whilst working in partnership and engaging with stakeholders

- How do you communicate and engage with stakeholders, what methods do you use and what do you find most effective?
- How has your IFCA's relationship with your local stakeholders changed over the past four years.
- How often do you review your communication strategy?
- How do you engage with your local authorities; do you feel your local authorities are engaged in the activity of your IFCA?
- Do you maintain a database of stakeholder contacts that is reviewed and updated each year? How do you ensure this list is comprehensive and includes all relevant sectors?
- How frequently do you update your website?
- Do you seek feedback from stakeholders, if so, how do you act on this?
- How do you coordinate your activity and regulations with neighbouring IFCAs when appropriate?
- Is the membership of the IFCA balanced to include all key sectors? How should balance of representation be decided and tailored to each IFCA?

NEIFCA uses a range of methods to communicate and engage with stakeholders underpinned by a Consultation Strategy which is published on its website within the 'About Us' and 'How We Do It' sections. It is reviewed annually. The NEIFCA website plays a central role in organisational communication to stakeholders. It was renewed in March 2022 and regular updates and newsfeeds are provided, generally weekly to monthly but sometimes daily. Through its fishing permitting schemes NEIFCA maintains a database of over 2000 stakeholders. The Authority also utilises social media feeds, primarily Facebook and traditional information notices are also routinely posted throughout the district. Regular electronic bulletins and updates are also emailed out to stakeholders. More recently NEIFCA has established a couple of smaller fishing forums which meet every few months to discuss issues and matters of interest across the district. The purpose of this revised approach is to try and build a more collaborative relationship with the industry and was driven primarily by the shellfish mortality events surrounding Teesside and North Yorkshire at the end of 2021. Previously NEIFCA has also run 'one to one' surgery events with stakeholders to focus on particular management discussions and maintains an active presence each year at key public events including festivals and shows, extending outreach beyond the fishing community to 1000s of individuals. Without exception and by nature of their role, IFCAs all experience troughs in relationships with stakeholders, this is particularly noticeable now and is normally in response to new regulations or other external issues impacting associated businesses. NEIFCA is also experiencing that today as a direct result of the impacts of and perceptions of, its response to the ongoing shellfish mortality events surrounding the Tees Estuary. NEIFCA does conduct regular customer satisfaction surveys, most recently in 2018 (515 responses collated, 94% indicating service provision good or very good). NEIFCA officers work hard to maintain meaningful engagement with local authority members, having a total LA membership of 11 presents some challenges though. NEIFCA is very closely integrated with its lead LA East Riding of Yorkshire Council (ERYC) drawing on key service provision through SLAs and the Clerk is the Chief

Executive which also supports positive connection across the wider LA communities. NEIFCA tries to maintain positive levels of engagement with its membership through open days, electronic update bulletins and regular communications with representatives. Broadly speaking I feel that the LA representatives are engaged, interested in our work and supportive of such. NEIFCA has a detailed Complaint and feedback policy which is published on its website within the 'About Us' and 'How We Do It' sections which covers the management of stakeholder complaints and feedback. Further support and guidance is provided by ERYC through an SLA. ERYC manage NEIFCAs feedback systems. The majority of feedback received relates to formal complaints and current levels are relatively low at 2 to 3 per year which is encouraging in terms of where general relationships sit with stakeholders. Most complaints relate to enforcement and compliance actions. In terms of learning from that feedback the content of complaints will be discussed with associated officers resulting in active intervention through learning, development and improvement. Dialogue within the IFCO Chief Officer family is daily, supported by a monthly meeting structure with further coordination through the national Association. This provides a strong and active network to discuss plans and build consistency of approach. Outside that framework there is regularly engagement with neighbouring CO's on developing and altering regulations as and when required. I feel that currently membership is balanced and revised appointment systems through the MMO are much more proactive and collaborative and are working well at present.

Success Criterion 2:

IFCAs implement a fair, effective and proportionate enforcement regime

- Have you reviewed and published an enforcement policy statement that outlines how sanctioning decisions will be made and applied for breach of byelaws?
- How do you provide advice and guidance to people who might carry out activities that are regulated and subject to the enforcement regime?
- How do you ensure decisions about enforcement are evidence based?
- How do you engage with other marine regulators to achieve consistent quality, application and enforcement of management measures?
- Do you compile records of enforcement activity in a standard format and provide them to Defra via National Inshore Marine Enforcement Group (NIMEG) and the AIFCA? Do you publish this information and if so, how frequently?
- How have you worked on the possible harmonisation of conflicting byelaws between neighbouring IFCAs.

NEIFCAs overarching approach and ethos surrounding enforcement is published in detail on its website within the 'About Us' section under 'Fisheries and Conservation Officers' and includes information on what stakeholders should expect when encountering one of its Inshore Fisheries and Conservation Officers (IFCOs). The website also carries a Code of Conduct and an Enforcement and Compliance Policy within the 'how we do it section' of the website which guides all the Authority's enforcement and compliance work. The website also provides the main conduit for advice and guidance to people engaged in regulated fishing activities. Alongside the website officers periodically distribute bespoke guidance leaflets providing further information covering activities such as rock pooling and shore gathering and engage in targeted campaigns focused on restaurants and

fish selling premises such as 'buyer beware'. Officers also maintain a series of notice boards which provide up to date information at key ports and landing areas. NEIFCA officers work very closely and actively with a wide range of other regulators particularly MMO and EA enforcement officers, Local Authority public protection teams and more recently, extensively with the Gangmasters Labour and Abuse Authority (GLAA) in managing illegal intertidal shellfish gathering. Consistency of approach and method to enforcement work is supported through active engagement within the joint National Inshore Marine Enforcement Group (NIMEG) and the IFCA Chief Officer's Group (COG) alongside guiding internal policies already highlighted and consistency of training accessed and provided through the National IFCA Training Lead Officer. NEIFCA collates a wide range of enforcement records both internally and externally through the national MCSS database and summaries are published via its Annual Reports which are provided to Defra ALB leads. IFCAs provide regionally tailored marine conservation regulations to meet their local needs in terms of types of fisheries and stocks and associated fleet structures etc, by design, IFCA byelaw provisions vary around the coast to account for those local needs and priorities. I feel that very few if any conflict between Northumberland and Eastern IFCAs. During February 2021, however, NEIFCA, NIFCA, EIFCA and Kent and Essex IFCA worked together to implement a joint minimum size byelaw regulation which was confirmed by Defra. This ensured a completeness of consistency across all inshore minimum landing sizes along the North Sea coast with the exception of edible crab sizes which carry regional variances under current national legislation.

Success Criterion 3:

IFCAs use evidence based and appropriate measures to manage the sustainable exploitation of sea fisheries resources and deliver marine environmental protection within their districts

- How do you ensure you collect the right data and evidence to support new management measures? Is this published?
- How is management information (e.g. sampling and/or survey results) collected after new management measures have been implemented to demonstrate the extent of effectiveness of the intervention?
- How have you developed a range of criteria-based management options that are explained to stakeholders through the IFCA website, and reviewed by 31 March each year?
- Are management measures delivered within agreed timescales? If not, is there anything in particular that causes delays?

The development of all new management measures is supported by a detailed evidence base informed by best available information and data that Officers can draw on. This work is supported by NEIFCA's Environmental and Scientific team who are guided by NEIFCA's Scientific Advisory Group (SAG) which is a collective of members with specialist scientific, environmental and fisheries expertise. This evidence base will normally include data on the state and condition of stocks from catch and effort data and information collated from direct stock survey work, wider habitat information and other relevant, associated research work carried out elsewhere. All this information will be collated and published within a supporting Regulatory Impact Assessment which underpins the making of the management measure. Once new management measures are implemented NEIFCA's Environmental and Science team will develop a bespoke and tailored monitoring

programme supported by the internal SAG and incorporated into both annual and strategic research plans. The implementation of the NEIFCA Scallop dredging regulation in 2015 provides a good example of this. That management regulation is supported by annual catch monitoring onboard permitted vessels, NEIFCA stock assessment and wider habitat assessment survey. This culminates in an annual report to the Authority with recommended management options. Management measures are almost never delivered within agreed timetables. Despite considerable work being put into streamlining the IFCA byelaw making process most regulations take a considerable period of time to pass through process to confirmation. Recently a number of NEIFCA byelaws confirmed in 2019/2020 took over three years from making by the Authority to confirmation. Delays were caused by conflicting legal and policy opinion through MMO and Defra processes.

Success Criterion 4:

IFCAs have appropriate governance in place and staff are trained and professional

- How do you show a long-term, strategic approach to sustainable fisheries management? For example, by having appropriate plan-making, review, update and amendment procedures in place.
- How have you been involved in membership, good governance and running of the IFCA Association so that activities and communication between IFCAs is co-ordinated?
- How do you identify and prioritise marine sustainability and/or fisheries management issues in the District?
- What training do staff undertake and how do they demonstrate their professionalism?
- How do you assess staff performance?

NEIFCA's overall approach to sustainable fisheries management is underpinned by an overarching Annual Plan which is published in March each year and both an annual and medium-term Research Plan. These are reviewed throughout the year by the internal SAG. Longer term strategic goals and objectives are also informed by two Strategic Environmental Assessment (SEA) Frameworks covering shellfisheries and whitefish which were published in 2008 and 2014 respectively. These framework documents were developed utilising an adapted SEA process more commonly used to inform large scale land-based developments. Marine sustainability and fisheries management issues are identified via a wide range of activity monitoring programmes from sightings and activity information, through to offshore marine survey and catch and effort monitoring and the national condition monitoring programme overseen by NE across MPA sites. NEIFCA plays an active enduring role in the governance and effective running of the National Association of IFCA's through the CO who is a listed Director and the Chairman. NEIFCA is also actively engaged in the IFCA COG and NIMEG which support cohesion and consistency across the IFCA family. NEIFCA staff undergo a wide variety of training programmes and initiatives accessing national training courses up to advanced officer standard through the National IFCA Lead Training Officer alongside in-house training and a range of mandatory courses provided by other external suppliers. New staff also undergo a structured 12-month induction programme with a bespoke training plan. In terms of enforcement and compliance work all officers carry mandatory 'body cameras' which are periodically monitored

or reviewed if any specific concerns arise. Several times, output from these cameras have been used to support further training and development. Staff performance is assessed via a structured annual appraisal held during December and pay progression within grade is dependent on positive performance.

Success Criterion 5:

IFCAs make the best use of evidence to deliver their objectives

- How do you engage with a range of other organisations when gathering evidence? This could be other ALBs, industry, academics or NGO's.
- How do you demonstrate sustainable marine management best practice? For example, by using tools such as a Habitat Regulations Assessment.
- How do you identify and prioritise issues impacting sea fisheries resources within your District?
- How do you measure the impact of the management measures within your district?
- How do you demonstrate the progress you have made gathering and acting on evidence each year e.g. by publishing a research plan or research report?
- How do you contribute to TAG, how is TAG used as a forum and is this way of working effective in your view?

Evidence gathering is largely delivered by NEIFCA's Environmental and Science Team supported by the internal SAG and shore and offshore operational teams who have built up a strong network of lead Officer contacts from the EA, CEFAS and NE. Communication is daily and free flowing with these leads, coordinated through regular 'one to one' meetings and a wide range of local and regional management groups. All associated work is underpinned by best practice and national and internationally recognised protocols from HRA methodology to habitat assessment and characterisation and stock analysis. Data is freely exchanged via MEDIN and online 'share point' and 'drop box' facilities. Recently in response to the shellfish mortality event NEIFCA established an Industry stakeholder group which meets every couple of months and is now in the process of actively establishing another similar group within its district. A further technical/research group has also been established comprising of local University and national government research leads to communicate and exchange information, data and procedures. Impact of management implemented by NEIFCA is considered through outputs from stock and habitat survey monitoring. In terms of stock following progress against Maximum Sustainable Lead targets and comparing local inshore trends with the national stock picture. MPA management interventions are monitored against national condition assessment outputs. Work is published within annual and bespoke reports. NEIFCA also plays a full and active role within TAG and recently provided the Chair to the group,

National Fisheries Management Plan Programme

In terms of fisheries, current work streams continue to focus on the development of national fisheries management plans, a statutory requirement under the Fisheries Act. This work remains at an early stage although Defra have identified six key priority stocks and opened a number of working groups with key fishing industry sectors to facilitate direct engagement and input. In parallel, the national Association of IFCAs is currently developing a range of projects aimed at galvanising the IFCA response to national work streams including fisheries management plans.

1.2 **Priority Work streams for the next six months**

- Complete commission of the main engines onboard NEG III
- Advance the vessel replacement project
- Move new shellfish management provisions, including effort limitation and revised measures on the Humber Estuary into the formal consultative phase.
- Support the continued monitoring of impacts associated with the shellfish mortality event.
- Further implementation of the new fisheries database.

1.3 **Summary of meetings and events attended**

Defra post-investigation catch up	7 th June 2022
Inshore Fish working group	10 th June 2022
Defra post-investigation catch up	14 th June 2022
Defra post-investigation catch up	21 st June 2022
National work boat exhibition Southampton	20 th to 22 nd June 2022
Inshore Fish working group	24 th June 2022
Defra post-investigation catch up	28 th June 2022
Defra post-investigation catch up	5 th July 2022
Inshore Fish working group	8 th July 2022
Defra post-investigation catch up	19 th July 2022
IFCA Chief Officer's Group	20 th July 2022
NEIFCA/ERYC vessel working group	20 th July 2022
Whitby Fishing Industry group	21 st July 2022
Inshore Fish working group	22 nd July 2022
Defra post-investigation catch up	26 th July 2022
Defra post-investigation catch up	2 nd August 2022
Inshore Fish working group	5 th August 2022
Defra post-investigation catch up	9 th August 2022

North East Regional Fisheries Group meeting	16 th August 2022
MMO engagement on areas important to fishing And Marine Spatial Prioritisation	17 th August 2022
IFCA Chief Officers Group	17 th August 2022
Defra post-investigation catch up	23 rd August 2022
Lindisfarne HPMa stakeholder workshop	24 th August 2022
Inner Silver Pit stakeholder workshop	25 th August 2022
Defra post-investigation catch up	30 th August 2022
EA/NEIFCA algae sampling meeting	31 st August 2022
Inshore Fish working group	2 nd September 2022
AIFCA symposium	5 th September 2022
Defra post-investigation catch up	6 th September 2022
Tees/Shellfish IFCA/RSPB meeting	7 th September 2022
Defra post-investigation catch up	13 th September 2022
MPA management group meeting	13 th September 2022
IFCA/MMO licensing engagement meeting	14 th September 2022
HERAG meeting	14 th September 2022
Inshore Fish working group	16 th September 2022
MMO engagement on areas important to fishing And Marine Spatial Prioritisation	16 th September 2022
Marine & Coastal Biodiversity group meeting	20 th September 2022
Wild Oyster Project meeting	21 st September 2022
IFCA Chief Officers Group	21 st September 2022
North East Coastal Network meeting	22 nd September 2022
Meeting with Natural England	23 rd September 2022
Scientific Advisory Group Meeting	23 rd September 2022
Defra post-investigation catch up	27 th September 2022
Fisheries Assessment (DEFRA) meeting	29 th September 2022

North East Shellfish mortality research meeting	29 th September 2022
North East Shellfish mortality research follow up meeting	3 rd October 2022
Defra post-investigation catch up	4 th October 2022
Industry Working Group meeting with North East Fishing Collective	5 th October 2022
Technical Advisory Group conference, Jersey	11 th & 12 th October 2022
Defra post-investigation catch up	18 th October 2022
Economic Scrutiny Committee, Hartlepool Borough Council – shellfish mortality	18 th October 2022
IFCA Chief Officers Group	19 th October 2022
North East Shellfish mortality research meeting	20 th October 2022
Defra post-investigation catch up	25 th October 2022
Environment Food & Rural Affairs (EFRA) Scrutiny Committee, Houses of Parliament, London – shellfish mortality	25 th October 2022
Vessel replacement pre-market engagement visits	25 th to 28 th October 2022
FMP king scallop stakeholder workshop	27 th October 2022
Defra post-investigation catch up	1 st November 2022
Update on the North East Shellfish mortality at the Shellfish Association of Great Britain	2 nd November 2022
Industry Working Group meeting with Holderness Fishing industry	2 nd November 2022
DEFRA catch up meeting on EFRA committee outcome	3 rd November 2022
Defra post-investigation catch up	8 th November 2022
Defra post-investigation catch up	15 th November 2022
FMP crab and lobster stakeholder workshop Bridlington	15 th November 2022
Presentation of ELSI project on the crab and lobster symposium	16 th November 2022
IFCA Chief Officers Group, York	16 th November 2022
Vessel replacement pre-market engagement visits	21 st to 27 th November 2022

2.0 **NEIFCA Operational Reports**

2.1 **Land-based Work streams**

2.1.1 *June 2022 to October 2022*

Land-based Enforcement Work

As weather conditions began to improve into the summer months many vessels worked longer days and capitalised on the improving weather, fishing closer inshore targeting lobster. The shore-based operations team maintained an intensive schedule of patrols and inspections at all the districts ports day and night. Officers have been actively engaging with fishermen ensuring that the industry across the NEIFCA district remain fully aware of legislation and current Byelaws

The shore-based operations team, maintained engagement with the local fishing fleet throughout the period, particularly within those areas affected by the shellfish mortality event surrounding the River Tees, Hartlepool, Redcar, Staithes, Runswick Bay, Whitby and Scarborough. Shore Officers also conducted offshore observational trips at sea, collecting shellfish data from those affected areas alongside gathering further information from the local fishing community.

Further south in the NEIFCA District the Holderness coast and the port of Grimsby saw good numbers of crab and lobsters landed into the ports with a price of £9/kg raising up to £14/kg for lobsters and £1.80/kg to £2.20/kg for edible crab during the reporting period

The shore-based operations team also conducted regular patrols along the Holderness coast where 5 nets men are permitted to catch sea fish, working from Flamborough down to Withernsea observing good catches of sea bass, sole and turbot.

Throughout the reporting period the shore-based operations team worked alongside the Environmental and Scientific team assisting with data collecting of shellfish on the quayside throughout all ports in the district

The shore-based team also maintained intelligence gathering systems throughout, reporting in any information and prioritising key targets. Intelligence gathering and reporting has led to a number of successful operations targeting illegal activity through the reporting period

During reporting period, **175** inspections were completed by the shore team covering the following fishing activities:

- Potting
- Angling
- Scallop Dredging
- Netting
- Limited Shellfish Permits
- Unattended inspections
- Prawn Trawlers
- Premises Inspections

Outreach and Joint Working

The shore-based operations team also supported an outreach session with East Riding Council who organised the 'Bridlington Crab Chase', a catch and release crabbing competition for children. The event was a success and enabled NEIFCA Officer to engage with local children and their parents about the marine environment

The shore-based team works alongside a number of organisations and agencies on a regular basis and it is important that links with these groups are maintained on a regular basis. While carrying out routine patrols and enforcement duties, officers frequently liaise with these groups. During the reporting period contact was made with the following groups:

- Tees Harbour Police
- Northumbria Marine Police
- Marine Management Organisation
- Whitby and Scarborough Harbour Staff
- Angling Trust
- Gang Masters & Labour Abuse Authority GLAA
- Environment Agency
- Food Crime

2.2 Offshore Work streams – Monthly Activity Summary

JUNE

During June North Eastern Guardian III (NEG III) successfully completed its annual deck crane survey and actively supported the delivery of the European Lobster Settlement Index (ELSI) project in partnership with the Holderness Fishing Industry Group. This included deploying a number of traps on the seabed in various locations throughout the district. Outside the ELSI work, standard potting surveys were also carried out utilising 10 strings of fifteen parlour pots including a joint survey with CEFAS which focused on areas surrounding the Tees estuary, affected by the shellfish mortality event.

On Saturday the 25 of June NEG III and Protector III supported the national armed forces event at Scarborough, providing security of the aerial display area. Alongside other enforcement agencies.

Both vessels routinely supported other fishery related obligations throughout this period.

JULY

During July the majority of the potting fleet were experiencing good catches of lobster, including those vessels hardest hit by the shellfish die off in the Tees/Redcar area. This was mirrored in lobster catches taken by NEIFCA survey gear, which appeared normal. Edible crab, as reported by the commercial fleet, remained scarce throughout the affected area.

Plankton surveys, undertaken as part of the ELSI project caught small lobsters very close to the surface further adding to knowledge on associated life cycles.

Further mandatory training certificates were gained by officers following continued ongoing training at Whitby & District Fishing Industry Training School.

On the 28 July whilst on a potting survey one of the main engines failed onboard NEG III. The failure was such it was deemed necessary to remove both engines and have them repaired and rebuilt. NEG III was placed in the PARKOL drydock to facilitate the engine removal and to undertake the annual overhaul, out of water checks and paint renewal.

Protector III continued to support offshore enforcement in the interim

AUGUST

During August patrols large pods of dolphins were regularly sighted approaching the vessel. Unfortunately, numbers of dead seabirds were also observed across the district, attributed to the current bird flu epidemic affecting the UK and mainland Europe. Sei whales were also sighted this year in the Whitby area.

No nomadic Scallop vessels were observed during patrols.

Potting vessels within the district continued to report better than average lobster catches alongside improvements in crab catches South of Staithes. Crab catches inshore at Tees/Redcar, however, remained depressed.

During August Protector III entered the Tees Estuary and its confines for an extended patrol, observing various activities on either banks of the river.

Prawn trawlers, particular those sailing from Hartlepool reported very poor catches, some Skippers cited the recent shellfish die offs as a possible reason.

Patrols continued throughout this period supported by Protector III and Bravo 1.

SEPTEMBER

During September one Scarborough based trawler was observed and boarded at sea from Protector III and lack of availability of spare parts considerably slowed down progression with the main engine repairs on NEG III.

Only transiting nomadic Scallop vessels were observed during September with the majority of the fleet choosing to work grounds further afield.

OCTOBER

Boardings and patrols continued during October supported by Protector III and Bravo 1.

Lobster catches within the district in most areas continued to be reported as better than average. Crab catches also generally improving, with the exception again of the Tees/Redcar inshore area.

One Scarborough Shellfish merchant quoted prices of £20 per kilo for lobsters and from £3-£2.30 for brown crab. The same merchant also voiced extreme hardship for his business, due to the increase in energy prices.

Hartlepool prawn trawler Skippers spoken to, continued to report extremely poor returns and questioned whether it remained viable to incur expenses whilst searching for better fishing.

During this period North Eastern Guardian III remained on berth while the repairs to the main engines continued.

ENFORCEMENT & COMPLIANCE SUMMARY

North Eastern Guardian III

Nautical miles covered: 1378
Fishing Vessel Inspections: 161

Protector III

Nautical miles covered: 2159
Fishing Vessel Inspections: 309
Fishing vessel boardings: 33

Bravo I

Nautical miles covered: 239
Fishing Vessel Inspections: 17
Fishing vessel boardings: 21

2.3 Environmental/Science Work streams

2.3.1 Consents and Licensing

The NEIFCA district is of great interest to many commercial parties and operators. The list of activities includes, but is not limited to, offshore renewables (wind and tidal), gas cavern development, harbour works, maintenance and capital dredge activities, pipeline and cable corridors/landfall and mine discharge. As a relevant authority, NEIFCA is consulted on all developments within and abounding the district, including the issuing of marine consents or licenses relating to any form of discharge or abstraction.

Applications relating to marine developments can be numerous and each one is considered both independently and cumulatively with any other neighbouring activities. Authority Officers also often play an active role in working groups established for the monitoring and surveillance of developments. The following applications were reviewed between May 2022 and November 2022:

Reference	Date responded
Barmston Sea End Outfall	16/05/2022
Dogger Bank Creyke Beck Schedule 8 Generation works 1A	13/11/2013
Eastern Green Link 2 - Marine Scheme	30/07/2022
Stonehill Wall Rock Revetment Extension NZ 41254 57698	06/07/2022
Stallingborough Flood Risk Management Scheme (Phase 3)	30/06/2022
Goole Railway Swing Bridge Power Upgrade	18/07/2022

2.3.2 ELSI project update

All 40 larval settlement collectors were successfully deployed across the 10 sites selected. Larval settlement collectors were deployed across the 4 southern sites along the Holderness coast during the first week of May 2022 and across 6 sites north of Flamborough Head in the beginning of June 2022. For the data collection, one designated cage out of 4 at each site was lifted up to twice a month and any macro fauna found inside the cage recorded. Species were preserved in 4% formalin for later identification in the lab. Alongside the cage hauls, data from the loggers on temperature, salinity and current were also retrieved. A total of 20 plankton tows during dusk (1 hour before sunset to nautical twilight) have been completed and any caught lobsters were counted and staged. Stage II to IV lobster larvae and post-larvae stage V lobsters were found with a clear progressive increase in numbers during the summer months. The data collection on the settlement cages was completed in September 2022 and to date 32 cages have been recovered. So far, the presence of stage V juvenile lobster in the larval settlement collectors has not been recorded. Parallel to the field work, the project partner HFIG (Holderness Fishing Industry Group) completed a growth study on early benthic stage lobsters in their hatchery from April to October 2022.

Next period:

The next stage of this project will focus on the completion of processing all the samples from the settlement cages and plankton tows, the data analysis for the diversity index, environmental parameters and growth rates. A thorough review of the methodology and logistics for the field work will be undertaken as well during quarter 4. The aim of this is to explore different types and combinations of substrate to test in the settlement cages and how to increase the protection of early benthic stage lobsters from predation. The growth study will also be reviewed to increase the sampling frequency. More cages will be assembled in the winter months to replace lost gear and all cages will be filled and rigged to be ready for the 2023 season.

2.3.3 Survey Programme Update

The annual Eelgrass survey was completed in collaboration with the Yorkshire Wildlife Trust in August 2022. The outcome of this survey was used to update the revised byelaw proposal.

For stock monitoring in the affected areas, IFCA officers went aboard permitted potting vessels for observer trips between March and September 2022. A total of 18 observer trips were undertaken recording biometric data from 2112 lobsters and 1046 crabs and monitoring shellfish health. For this year's annual stock monitoring program North East Guardian III focused their potting effort in the affected areas and hauled a total of 1202 pots. Biometric data of 674 lobsters and 314 crabs were recorded during these trips. The outcome of these surveys are reported in the "Tees and north Yorkshire stock monitoring report" which was published on the 29th September 2022.

3.0 National Meetings Update

3.1 *National IFCA Chief Officers Group*

At present the Chief Officer's group meets monthly and is made up of the most senior IFC Officers in the U.K. Group membership also includes Officers from Fisheries Departments located in the Isle of Man, Jersey and Guernsey.

The group provides an extremely valuable mechanism for the discussion and exchange of information relating to operational and legislative matters affecting 'day to day' activities within IFCA's.

Copies of the notes of the most recent meetings held on 20 July 2022, 17 August 2022, 21 September 2022 and 19 October 2022 are attached to Appendix A of this report for members information.

3.2 *National Association of IFCA's*

The national Association of IFCA's was formally established on 17 March 2011 following resolution and adoption of draft Articles by majority vote.

The national Association is structured as a Company by Limited Guarantee with listed Directors and members and its Articles reflect that structure and governance. This enables the Association to employ its own staff (currently Chief Executive, a national IFCA Policy lead officer, a national IFCA training lead Officer and a further national project lead officer) to conduct its business within a properly structured legal framework. One Director is appointed by each of the member IFCA's and the wider membership of the Association or forum comprises of three representatives from each member IFCA, currently the Vice Chairman and Chief Officer.

Given the increasing level of IFCA engagement and support to national fisheries and marine policy work the national Association is playing an important role in maintaining collaboration and cohesiveness across the ten IFCA bodies alongside interfacing with Defra.

A copy of the notes from the AIFCA symposium held on 5 September 2022 are attached to Appendix B of this report for members information.

Contact Officer: David McCandless
Chief Officer
Ext 3690



IFCA COG Meeting
Wednesday 20th July 2022 @ 09:30 hours
'Microsoft Teams' Teleconference

Attending: Chair Samantha Davis (SD), David McCandless (DM), Rob Clark (RC), Tim Dapling (TD), Mike Hardy (MH), Will Wright (WW), Pia Bateman (PB), Tom Hooper, Joe Moulton (JM), Sam Dell (SDell) NIMEG, Phil McBryde (PM) Defra.

1. **Apologies:** Julian Gregory, Dr Stephen Atkins, Martin Birchenough IOM, Paul Tyack (MMO), Wales & Channel Islands.

SD welcomed everyone to the meeting and noted apologies. SD also noted the attendance of Phil McBryde (PM) from Defra and given time constraints on his availability, moved his item (4) to the top of the agenda.

2. **Technical Conservation Measures Consultation**

PM provided a detailed update on planned consultation on proposed management changes to fly seining in UK territorial waters. Developing technologies in the Channel including vessel and gear modernisation, expanding vessel numbers and increasing effort which continued to raise concern. PM advised that in response Defra intended to commence a consultation on a revised set of management measures taking a precautionary approach. Previous voluntary agreements had not been particularly successful. The majority of associated activity centered on the 12 to 200 zone mainly Dutch, French and Belgium owned vessels. Restrictions under consideration included engine capacity, mesh sizes, rope length and rope diameter. PM advised that the consultation would likely commence early to mid-August 2022. SD advised PM that IFCA would engage in the consultation process once it landed. TD highlighted that IFCA offshore assets remained capable and available to support any offshore enforcement and compliance work.

3. **Minutes of Previous Meeting – 18 May 2022**

Minutes agreed. SD thanked DM for providing the meeting record.

4. **Matters Arising & Actions from last meeting**

Matters Arising

MH provided the following updates on the Strategic Operations Group (SOG) and the HPMa process:

SOG

Most recent meeting held on 19 May 2022 provide an exchange of views and updates from MMO ops and IFCA reps. Included re-developing working relationships, joint working on sea bass in Kent and Essex. Re-invigorate joint offshore working, TCGs, iVMS, catch recording and MMO mobile working app. MM advised that he would feedback comments on the draft IVMS SI (**Action MM**).

HPMA

MH highlighted the challenges Northumberland IFCA were facing following the launch of the HPMa consultation and the potential impacts on the associated fishing industries, probably the most significant challenge in 19 years. MH advised that NIFCA were engaging with a social scientist based in Newcastle University. JM advised that in terms of North Western IFCA impacts were likely less significant.

- 1) Complete – SD advised that solutions had been identified to ease the issues surrounding Chairs for TAG and NIMEG.
- 2) Complete – IFCA Futures document circulated
- 3) Complete – List of IFCA FMP leads circulated
- 4) Ongoing – Central provider of IFCA vessel insurance, lead MH

5. NIMEG Conference Update

SDell provided a comprehensive update on discussions and outputs emanating from the NIMEG conference held in Poole between the 11 and 13 July 2022. The majority of attendees joined the conference virtually with only 5 IFCA reps attending in person. The update included the following items:

Reflection on Achievements

Positive and enduring operational response to COVID 19, UK exit from the EU, enduring intelligence gathering. Membership extended to Daera, NE and AIFCA.

MMO Mobile Working APP

Agreement to re-engage with IFCA's via active trialing of the App across each district providing the opportunity to feedback on the value of the current App as a tool to support IFCA and joint ops. Despite more active input of enforcement and compliance data onto the App IFCA's were still required to input all their current enforcement data onto MCSS as well.

Data Sharing

Agreement to improve the practical exchange of data. MMO advised not sighted on the extent of data that IFCA's capture currently but commitment to review the under 10m catch recording app to see if the extent of data capture can be improved from an IFCA perspective.

Intelligence System & Processes

MMO have moved to electronic capture of intelligence information via Sharepoint. For the time being agreed that IFCA's will continue to submit IRs as normal but will now have to access the Sharepoint database directly to view any new intelligence reports relating to their specific districts. Electronic summaries would no longer be provided by the MMO.

NIMEG Chair

The conference considered how best to service the role of Chair of NIMEG. One option included an IFCA CO Chair in the interim which was broadly supported by the group as an option. This would provide a stronger link through COG and the SOG. MH offered to support that until November 2022. SD took an action to discuss further with MH and JG (**Action SD**).

6. National Workstreams Update

RC provided a detailed update on current national IFCA work streams including the following:

Conduct and Operations Report

A further detailed update would be provided at the forthcoming MAFCO meeting scheduled for 27 July. Provisional timelines included the commencement of active engagement during September 2022, capture of self-reflection from COs and wider stakeholder feedback. The group discussed recent public policy positions on IFCA reform produced by the NFFO and Angling Trust. MM highlighted the need to address fundamental differences in approach to sanctioning across organisations which encouraged conflict.

SR 21

RC advised that the IFCA funding uplift had been secured and AIFCA was now waiting on further detail surrounding the delivery mechanism with 'handshake' letters expected soon. Further detail would be provided at the MAFCO meeting

HPMA Process

RC advised that there wasn't much to update over and above the briefing that MH had already provided. RC thanked NIFCA for hosting his visit to their recent Authority meeting. MH advised that he would be attending a further meeting with Defra this week.

7. IFCA Engagement Fisheries Management Plans & Port Visits

The group discussed the planned IFCA strategy for engaging in the national FMP work streams. TD and PB provided an update on the developing engagement surrounding the sea bass FMP. PB voiced concerns over the limited notice of planned events which made it challenging to manage active engagement. DM updated the group on a request received from Juliette Hatchman relating to information on main scallop dredging ports. TD cautioned against the risks of IFCA becoming the lead or 'go to' organisations when the process was being managed and led by Defra.

8. AOB

MCA Request for Information on PFD use at sea

SD advised that she had been contacted by Holly Griffin from the MCA about the apparent lack of exchange of information on PFD use from several IFCA districts despite IFCA agreeing to gathering and share such. SD to confirm the MCA SPOC for exchange (**Action SD**) all IFCA to provide information (**Action All**).

Attendance at planned TAG Conference

PB requested if colleague IFCA planned to send reps to the TAG conference in Jersey. All attending IFCA COs indicated that they intended to send representatives.

National Static Gear Marking Group

TD provided a brief update from the most recent meeting of the static gear marking group. TD asked if colleague IFCA could update him when they were planning to review any gear marking provisions within their current byelaw framework (**Action All**).

COG 'face to face' Meeting 2022

TD asked attendees to consider planning a 'face to face' meeting in before the end of the calendar year perhaps September (21st) or October (19th). TD felt such a meeting was long over due and carried a lot of benefits particularly in light of the impacts that everyone had felt through the COVID pandemic. SD to consider (**Action SD**).

9. ACTION List Summary

1. MM to feedback comments on the draft iVMS SI
2. SD to discuss potential of a CO NIMEG Chair with MH and JG
3. SD to confirm MCA SPOC for PFD information and all IFCA to provide said information

4. All IFCAs to update TD on any plans to review mandatory static gear marking provisions within byelaws.
5. SD to consider options for a 'face to face' COG meeting later 2022.

Date of next meeting 17 August 2022 – Meeting closed at 12:00



IFCA COG Meeting
Wednesday 17th August 2022 @ 11:00 hours
'Microsoft Teams' Teleconference

Attending: Chair Samantha Davis (SD), David McCandless (DM), Tim Dapling (TD), Mike Hardy (MH), Julian Gregory (JG), Pia Bateman (PB), Tom Hooper, Dr Stephen Atkins (SA), Mat Mander (MM).

2. **Apologies:** Rob Clark (RC) AIFCA, Will Wright (WW), Martin Birchenough (MB) IOM, Paul Tyack (MMO), Wales & Channel Islands.

SD welcomed everyone to the meeting and noted apologies.

4. Minutes of Previous Meeting – 20 July 2022

Minutes agreed. SD thanked DM for providing the meeting record.

3. Matters Arising & Actions from last meeting

Matters Arising & Action List

iVMS

MM provided an update to the group on the implementation of the national iVMS project. The MMO had recently issued a public announcement that a new phase of independent testing of units would shortly commence to ensure full compliance with type approval. This would extend implementation timelines with full 'roll out' now expected to be completed early May 2023. MM also advised that Marine Scotland would shortly be implementing plans to require all scallop vessels to carry REM and camera technology onboard which might influence English fisheries policy.

NIMEG Chair

PB advised the group that she was supporting Sam Dell's short term, transitional, continuation as Chair and single point of contact for NIMEG until November 2022 when a new Chair would be appointed by the group.

IFCA Exchange of PFD Information with MCA

SD advised the group that existing gaps in the exchange of information had now been closed.

National Static Gear Marking Group

TD advised that the MCA were working on standardising guidance on gear marking and any planned changes in gear marking requirements across the IFCA's were being fed into the national group. SD requested that gear marking be added onto the next COG agenda (**Action DM**).

HPMA Update

MH provided an update on the ongoing challenges that Northumberland IFCA were facing in relation to the potential HPMA sites located around Lindisfarne and the Farne Deep. DM also advised that he had been contacted by media seeking views on the proposed designation. Other colleagues provided updates from their respective IFCA areas including North Western, Allonby Bay, North Eastern and Eastern, Inner Silver Pit, Sussex and Southern, Dolphin Head.

- 1) Complete – Comments fed back on draft iVMS SI
- 5) Complete – NIMEG chair issues resolved
- 6) Complete – MCA PFD contact reaffirmed
- 7) Complete – IFCA static gear marking changes advised
- 8) Ongoing – 'Face to Face' COG meeting to be discussed on AOB.

4. National Workstreams Update

IFCA Conduct & Operations Review

SD provided an update on the planned Defra IFCA conduct and operations review. The review had been separated into a number of key stages. A self-reflection stage completed by IFCA COs, wider stakeholder consultation direct from the quayside and questionnaire based and IFCA member consultation. SD advised that the deadline for IFCA CO reflective submissions had been extended to 5 October 2022. To facilitate the stakeholder engagement the English coast had been divided up into 6 regions NIFCA/NEIFCA, NW, Eastern/Kent & Essex, South Coast, Devon & Severn, Cornwall/Isles of Scilly. Defra would shortly be issuing a letter to IFCA Chairs outlining the whole process. The public consultative process was currently held up awaiting Ministerial approval. JG highlighted significant ongoing capacity issues at Eastern IFCA which could impact on the extent of their response. MM asked if other Arms Length Bodies (ALBs) or Non Governmental Organisations (NGOs) would be invited to input. SD was not sure and advised that she would seek further clarification (**Action SD**).

SR21

SD provided an update on the processing of the additional Defra/IFCA funding through the next three financial years. SD advised that supporting Project Initiation Documentation (PID) had still be finalised to get the money out across the IFCA's. The grants would be underpinned by 'Chairs Letters' outlining associated delivery expectations. The whole process had been paused pending the new Prime Minister taking office. The group highlighted the need for flexibility in terms of just how the additional funding might be utilised. SD advised that the primary focus would be on general deliverables and not the specifics of where the funding had been spent.

AIFCA Posts

SD advised the group that Tim Smith the Environmental and Scientific Manager at North Eastern IFCA had been appointed into the new role of lead policy officer within AIFCA. DM fully endorsed the appointment and advised the group that he had agreed a notice period with Tim and Rob until 30 September 2022. SD also advised that no appointment had yet been made to the AIFCA natural capital post.

5. English Territorial Waters Changes/ IFCA District Limits

SD provided an update on the background and progressing work in terms of implementing changes to English territorial seas limits which carried associated implications for IFCA district limits and byelaw regulations. At present the focus remained on those IFCA districts most affected including Eastern, Kent and Essex, Cornwall and the Isles of Scilly although the changes carried implications for all. TH advised that the proposed changes would increase the Isles of Scilly district by 20-30% which carried significant operational considerations. TD reiterated the fact that given IFCA district limits were drawn from the 1983 baselines underpinned by the Territorial waters Order 1964 which unless revoked, would still continue to apply regardless of any national changes. DM sought clarification on Defra's preferred legal mechanism for implementing the proposed changes. SD advised that that was not clear at present and she would maintain contact and dialogue with the key Defra leads involved in the work **(Action SD)**.

6. AOB

IFCA COG 'in person' Meeting 2022

SD advised that she had discussed the merits of potentially organising a COG in person meeting with DM sometime in the Autumn 2022. DM advocated the merits and benefits of such and offered that North Eastern IFCA could support the organisation and hosting in York around the date of the proposed

November COG meeting on 16 November 2022. DM advised that he would circulate a 'doodle poll' to fix a suitable date (**Action DM**).

FMP Non Quota Species Update

MM provided an update from the FMP English Channel non quota species group. MM advised that 4 new species had been added to the non quota species list including lemon sole, turbot, brill and smoothound. MM also advised that the MMO were keen to formally second an experienced IFCA rep onto the supporting team involved in the work. The difficulties surrounding supporting such a secondment were considered.

IFCA Training Programme Issues

DM highlighted developing concerns surrounding the management and organisation of the IFCA training programme including a lack of active and proactive communication with the lead training officer, no information or update on planned courses or associated changes in terms of dates. Officers being stood down for courses with notable operational and personal impact. DM advised that if the current level of service provision continued it could have a serious impact on the continued funding and future sustainability of the programme. PB also raised similar concerns from Southern IFCA who were carrying a high proportion of new starters (50%) with high training needs. MM advised that Devon and Severn IFCA had not used the services but felt that the training offered might have expanded to far into other areas which had stretched the service with an overreliance on external providers. TD recognised that there had been significant challenges through Covid, disruption and the loss of face to face training including a lack of capacity but these could now be resolved including options for further resource support. SD advised that Cornwall IFCA had experienced very similar issues to others and would pick the matter up with RC following his return from holiday (**Action SD**).

7. ACTION List Summary

3. DM to add static gear marking to the agenda of the next meeting.
4. SD to clarify whether other ALBs or NGO's would be invited to contribute to the Defra led IFCA conduct and operations review.
3. SD to maintain contact with key Defra leads involved in the territorial waters work.
4. DM to circulate a 'doodle poll' seeking dates to hold a COG in person meeting in York sometime during mid November 2022.
5. SD to discuss next steps with RC following collective concerns surrounding the organisation and management of the IFCA training programme.

Date of next meeting 21 September 2022 – Meeting closed at 12:30



IFCA COG Meeting
Wednesday 21st September 2022 @ 13:30 hours
'Microsoft Teams' Teleconference

Attending: Chair Samantha Davis (SD), David McCandless (DM), Tim Dapling (TD), Mike Hardy (MH), Julian Gregory (JG), Pia Bateman (PB), Tom Hooper, Dr Stephen Atkins (SA), Mat Mander (MM), Will Wright (WW), Rob Clark (RC), Martin Birchenough (MB), Stevie Travis (ST) (IFCA NTLO).

3. Apologies: Joe Moulton (JM), Paul Tyack (MMO), Wales & Channel Islands.

SD welcomed everyone to the meeting and noted apologies.

5. Minutes of Previous Meeting – 17 August 2022

Minutes agreed. SD thanked DM for providing the meeting record.

3. Matters Arising & Actions from last meeting

Matters Arising & Action List

Static gear marking group

SD advised that the national static gear marking group had not been included on the agenda which had been an oversight. SD apologised and requested that it be added to October's agenda (**Action DM**).

English Territorial waters Changes

SD advised that she had emailed the Defra team working on the Territorial waters changes to seek further clarification on the preferred approach to legal implementation and was still awaiting a response.

November COG Meeting York

Complete, date set for Wednesday 16 November 2022.
IFCA Training Programme

Listed as a substantive agenda item.

8. National Workstreams Update

IFCA Conduct & Operations Review

SD provided an update on the planned Defra IFCA conduct and operations review. The deadline for submission of the self-reflective submissions from IFCA COs had been extended until 12 October 2022 (**Action all**). This stage would then be followed by outreach and questionnaire based feedback. RC advised that Defra leads had a general awareness of all the main issues circulating within the individual IFCA districts. RC also advised that IFCA COs would shortly receive a request from Defra to provide financial and asset information covering the last 4 years (**Action all**).

AIFCA Symposium

RC sought feedback from CO's on the IFCA symposium held on 5 September 2022. RC felt that it had been a generally successful event which had exposed some of the challenges faced by IFCAs to a wider audience. In general COs felt that the format had worked well with good open and honest discussion on some of the key areas of IFCA decision making. The majority of IFCAs reflected on the Defra analysis which was considered 'stark' and demotivating but open and honest and provided a very clear insight into internal perceptions of IFCAs which highlighted areas of priority to focus on going forward. RC advised that he had since written to Ann Freeman, who presented on behalf of Defra, to provide feedback on her presentation from an AIFCA perspective. RC also advised that he had written to the outgoing Minister, George Eustice MP to express thanks for his support of IFCAs and was now looking forward to building a new relationship with the incoming Minister.

9. IFCA National Training Programme and Draft Training Group ToR

SD opened a discussion on the national IFCA training programme following referral of the draft ToR from AIFCA to COG for further review. In order to focus discussions SD highlighted two priority considerations surrounding the competent and advanced officer courses. SD then advised that the national training lead Officer, would be joining the meeting to provide a brief update on both, take questions, then withdraw from the meeting to facilitate further discussion.

ST provided an overview of the current situation surrounding arrangements and options covering both the competent and advanced officer training courses.

Competent Officer

19 IFCA delegates had currently completed two virtual versions of the competent officer course and were now awaiting the 'in person' practical component. ST sought guidance from COG on preferred options to move things forward which included either running two 'in person' practical components or one five day

standard 'in person' course to be completed by 31 December 2022 to make use of the latent EMFF funding. ST then presented additional options which included running a 3 day 'in person' course and a 3 day virtual course before the end of 2022. Several IFCA COs including Sussex TD and Southern PB outlined their priorities and preference for the 5 day 'in person' course. Several IFCAs voiced concerns surrounding loss of capacity to deliver essential training and consistency. The group briefly discussed the merits of a number of combinations of course format but recognised the need to prioritise individual IFCA needs against what could be offered.

Advanced Officer

ST advised that the Advanced officer course planned for week commencing 17 October 2022 in Lancaster had now been cancelled due to venue availability. ST indicated a contingency on 21 November combining courtroom and pace interview skills. ST felt that the advanced course could be reduced to 3 days with an additional day provided to cover interview skills if needed.

It was requested of the NLTO that he provide a clear summary of the options and information in writing to COG to inform decision making which he agreed to do (**Action ST**).

Discussions & Actions

RC opened discussions lending support to the NTLO's longer term vision for modular courses, regionally accessible with efficient virtual components. Several CO's including MM, DM, TD, MB and PB raised concerns over the quality and effectiveness of online delivery based on feedback from officers. MH felt that the training programme needed to 'get back to where it was' in terms of content and quality supported by 'face to face' interaction. Several CO's supported approaching Ian Jones to assist the NLTO in course delivery. WW advised that prior to taking any significant decisions key information was needed in terms of what training had taken place, what was needed and what funding had been spent. SD advised that presently there were 'too many moving parts and options' to make a clear decision. SD recommended that, to move things forward, the NTLO needed to outline the options and supporting information clearly in writing which COG could then consider and provide clear direction on. PB emphasised the urgency in decision making.

SD considered the next steps to both address the issues surrounding the national IFCA training programme and agree the new IFCA training group ToR which could either be covered at the next COG meeting or via a specific focused training meeting with COs. It was agreed that a specific focused training meeting should be set up within a week (**Action SD/DM**).

10. November COG Meeting York

DM outlined provisional plans for the 'face to face' meeting in York on 16 November 2022. Some colleagues arriving on 15 November, with the meeting, refreshments and lunch on 16 with dinner planned at Cote York followed by overnight and departure on 17 November 2022. SD opened discussions on the format of the meeting and making best use of the event. Content likely include

FMP work, conduct and operations review and IFCA comms planning. WW suggested reviewing and updating the IFCA futures document to include a forward plan in terms of the vision for the next ten years. The agenda to be finalised at the next COG meeting **(Action All)**.

11. AOB

FMPs

SD highlighted recent information shared on planned dates for Scallop FMP consultation meetings. DM to pick up **(Action DM)**. SD also advised that Sarah Clark would be attending the next COG meeting to update on the crab and lobster FMP work.

MAFCO

DM and TH presenting on their respective IFCA districts to MAFCO on 28 September 2022.

12. ACTION List Summary

5. DM to ensure that static gear marking is added to the agenda of the next COG meeting.
6. COs to ensure Conduct and Operations review submissions are sent to Defra by 12 October 2022.
3. COs to respond to call from Defra for budget and asset information when received.
4. ST to provide written training update summary including provisional dates and options.
5. SD/DM to arrange IFCA training meeting week commencing 26 September 2022.
6. CO's to consider content and format for IFCA COG meeting in York 16 November 2022.
7. DM to note and pick up scallop FMP consultation dates

Date of next meeting 19 October 2022 – Meeting closed at 15:45



IFCA COG Meeting
Wednesday 19th October 2022 @ 09:30 hours
'Microsoft Teams' Teleconference

Attending: Chair Samantha Davis (SD), David McCandless (DM), Tim Dapling (TD), Mark Southerton (MS), Julian Gregory (JG), Pia Bateman (PB), Tom Hooper, Mat Mander (MM), Will Wright (WW), Rob Clark (RC), Martin Birchenough (MB), Joe Moulton (JM).

Sarah Clark (SC) (Devon & Severn IFCA) from 10:30

4. Apologies: Paul Tyack (MMO), Wales & Channel Islands.

SD welcomed everyone to the meeting and noted apologies.

6. Minutes of Previous Meeting – 21 September 2022

Minutes agreed. SD thanked DM for providing the meeting record.

3. Matters Arising & Actions from last meeting

Matters Arising & Action List

All actions complete from the previous meeting.

13. National Workstreams Update

SR21 Update – FMP Support Funding

RC advised the group that just prior to the commencement of the meeting he had received formal notification from Defra that £500K had been released to IFCAs to support FMP engagement and delivery with each IFCA receiving £50K. The funding would cover work during the 2022/2023 financial year and would be underpinned by a formal offer letter addressed to the Chair of each IFCA setting out delivery expectations. RC advised that it was just one component of the SR21 bid and he expected that more would follow in due course. The news was

broadly welcomed and discussions focused on Defra's expectations surrounding delivery. TD suggested that the matter could be considered further at the forthcoming York meeting.

Conduct & Operations Review

The majority of IFCA CO submissions had now been sent into Defra with an expectation that additional information relating to budgets would be requested within the next few weeks.

Retained EU Law Bill

SD provided a brief update on the Retained EU Law Bill which would inform the selective retention of key pieces of EU legislation. In terms of marine and fisheries approximately 500 legislative items were in scope with formal consultation likely to commence during March 2023 with the legislation taking effect during December 2023. Previously IFCA's had lost key legislative powers following similar processes. As the process unfolded IFCA's would actively engage with Defra to ensure that key pieces of legislation were not compromised.

14. IFCA National Training Programme

RC provided a further update on the progression of the 2022 competent officer course and plans for the 2023 course which would be held in person. Ongoing concerns were expressed over communication, performance and resourcing to effectively deliver the proposed timetables. PB, TD and SD offered resourcing to support the delivery of the 2023 competent officer course. JG highlighted the importance of the national IFCA training programme and the need for all IFCA's to retain their full commitment to it. JG thanked RC for his ongoing efforts to get the programme back on track.

15. National FMP Workstreams & Update

Sarah Clark (SC), Devon & Severn IFCA provided a comprehensive summary of the shellfish FMP workstream and associated objectives which included formalizing the structure of the Industry Advisory Groups (IAGs), establishing a strategy to manage latent capacity, identifying fishing opportunities, managing spatial management squeeze, promoting shellfish trade and welfare, managing associated carbon footprint. Specific objectives surrounding crab and lobster included, improved data collection and evaluation of stock status, identifying stock boundaries, aligning management, impacts on benthic habitats and protected species, improving understanding of interactions with other fisheries, sourcing bait and impact of other fisheries on stocks such as trawling and dredging. A supporting engagement plan had been developed which included a number of planned meetings around the English coast including Devon, Bridlington and Hartlepool alongside the establishment of a scientific subgroup.

SD and DM provided a brief update on the progression of the Scallop FMP. Some consultation meetings had been held at key ports around the English coast with further planned, including Hartlepool which had been attended by Tim Smith on 13 October 2022. The meetings reflected regional differences and priorities. TD considered the challenges of pulling all the information together to inform meaningful national strategy. RC advised that the Joint Fisheries Statement (JFS) response was due sometime November and would set out the timelines more clearly with the FMP's to follow which would likely articulate higher level objectives and priorities.

TD provided an update on the progression of the bass FMP having previously circulated and shared information on workshops organised by the lead consultant, 'Policy Lab'. JG advised the group that he had also attended one of the workshops held in Lowestoft. RC advised that 'Policy Lab's' engagement was due to finish sometime during November 2022. The differing approaches to the consultative processes across the first FMP work streams were discussed by the group.

16. National Static Gear Marking Working Group

TD provided a detailed update on the ongoing work surrounding static gear marking. A subgroup had now been established which appeared to be working towards the development of a national code of conduct. TD remained fully engaged in the groups work and advised that future byelaw development might incorporate some standardized national working practices.

17. IFCA November COG Meeting York

RC advised the group that he had discussed the feasibility of Tim Smith facilitating a collective afternoon session to develop some forward IFCA strategy across the developing national workstreams. This session might include a mapping component, supporting funding and resourcing, synergies and outcomes.

18. AOB

MMO Director of Operations

SD advised the group that the recently appointed Director of Operations at the MMO, Peter Clark was keen to meet. SD suggested the December meeting would be most appropriate **(Action SD/DM)**

MAFCO

SD noted key areas for discussion at the next MAFCO meeting later November, including KPIs, retained EU law, NMCA work with a separate bespoke meeting required to discuss marine spatial prioritisation. PB and JM agreed to present on their IFCAs **(Action PB/JM)**.

NFFO

RC advised that IFCA's and the MMO had been asked to provide brief presentations to a meeting on Friday 21 October. Sam Dell and Samantha Davis supporting.

IFCA Strategic Comms Engagement Strategy

The group discussed ongoing negative press items across a number of IFCA's. JG suggested that national comms strategy could be developed to support a collective response on particular issues rather than individual IFCA's trying to manage in isolation.

19. ACTION List Summary

7. DM to offer an invitation to Peter Clark new Director of Operations at the MMO to attend the December COG meeting.
8. PB & JM to present on their respective IFCA's at the November MAFCO meeting.

Date of next meeting 16 November 2022 York – Meeting closed at 12:25

DRAFT AIFCA MEMBERS FORUM MEETING MINUTES

5th September 2022



Fishmongers Hall, London & via Video conference

The meeting started at 10:32

IN ATTENDANCE

Tony Tomlinson MBE (Chairman)
Les Weller (Vice Chairman)
Tom Hooper
Dr Steve Axford
David McCandless
Sam Davis
Prof Peter Jones
Dr Will Wright
Tim Dapling
Philip Capper
Joseph Moulton
Mark Sotherton
Cllr Tom Fitzpatrick
Robert Clark (Chief Officer)

ONLINE

Prof. Michael Williams
Dr Stephen Atkins
Pia Bateman
Julian Gregory
Mat Mander
Cllr. Mark Roberts

The meeting began at 10:32

1. Apologies for absence

Mike Hardy
Cllr John Lamb
Cllr Andy Guy

2. Declarations of Interest

To be taken as they arise

3. Chairman's Announcements

The Chairman welcomed members including those new members to the meeting. The Chairman asked that his thanks be recorded to the Fishmongers Company for allowing the AIFCA to use the Hall for the meeting. The Chairman also recorded his thanks on behalf of the AIFCA to Mike Hardy, who will be retiring from his role as Chief Executive

of the Northumberland IFCA. The Chairman also thanked Dr Atkins, who is leaving the NWIFCA at the end of September.

4. Minutes of the previous meeting.

4a Members **APPROVED** the minutes of the previous Members Forum Meeting by way of ordinary vote

4b The Members **NOTED** the minutes of the previous Directors Meeting

4c The Members **NOTED** the minutes of an AIFCA Management Group Meeting

5. Updates

5a Recruitment update

The Chief Officer reported that the AIFCA has completed its recruitment campaign for the Senior Technical Officer position and the Senior Policy Officer role. The latter is to commence employment on the 1st of October and the former anticipated to start at the end of October. Sussex IFCA and Tim Dapling were thanked for their work to support the recruitment process and for hosting the Senior Technical Officer.

5b Conduct and Operations Report

Sam Davis provided members with an update on the forthcoming 4 yearly Conduct and Operations report to be conducted by Defra in accordance with their duties under the Marine and Coastal Access Act.

5c Business Continuity Planning

Sam Davis agreed to review the Plan ahead of its distribution to members for comment.

5d IFCA Chairs letters (Defra handshake)

Members heard that it is no longer the intention to associate the agreed outcome of the SR21 process with a 'handshake letter (in accordance with wider policy).

5e The AIFCA symposium

The members discussed the format of the Symposium being held after the AIFCA meeting.

ITEMS FOR DECISION

6. Budget Control

Members received a report from Cllr Paul Williams, presented by the Chief Officer, on the AIFCA Budget. Cllr Roberts queried the inclusion, under the heading 'Impact Report', of expenditure in the income section of the Income and Expenditure report. It was explained that the details of income and expenditure (associated with the project) were included in this section to show net income, following a request to do so by the Members at the last Members Forum meeting. The Members **APPROVED** the Budget control statement.

7. Draft Communications Plan

Members received a Communications Plan from the Chief Officer. The importance of the plan was agreed and members commented on the value and importance of the plan. It was **AGREED** that Prof Williams would liaise with the Chief Officer. Members **AGREED** the plan, subject to any amendments deemed necessary by Prof Williams.

8. Training Group Draft Terms of Reference

Members received a report on setting recommending Draft terms of reference for a National IFCA Training Group. After debate where concerns were expressed about

the ongoing delivery of IFCA training, Cllr Roberts stated that he could not currently recommend to his Executive Committee that the Southern IFCA continues to support the national training arrangements. Julian Gregory expressed his support for the ongoing need for training and the need to address any concerns through engagement. It was **AGREED** to refer the recommendation, that a training group be established, to the next meeting of the IFCA Chief Officers Group, where related issues could also be addressed.

ITEMS FOR INFORMATION

9. Specialist Advice to IFCAs and IFCA Decision-Making

Members received a note, introduced by Prof Mike Williams, which provides guidance to IFCAs as to the treatment within their decision-making processes of specialist advice provided to IFCAs by statutory bodies. Prof Williams, Dr Emma Bean and Jason Lowther were thanked for the production of the note. Prof Williams recorded his thanks and recognition to the Chief Officer for his contribution to the production of the note.

10. Chief Officers Report

Members received the report by the Chief Officer

The meeting concluded at 12:00

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Authority Meeting
01 December 2022

Tees and North Yorkshire Shellfish Mortality - Update

Report by the Chief Officer

A. Purpose of Report

To update members on the ongoing issues surrounding shellfish mortality in waters surrounding the Tees and North Yorkshire.

B. Recommendation

1. That Members note the report.
2. That Members endorse the recommendations emanating from the Parliamentary EFRA Committee.

1. Background

On 8 October 2021 officers started to receive reports of dead or dying lobsters and crab species coming ashore in the lower and outer Tees estuary around South Gare. During November 2021 further reports were received from local fishermen who started to experience reduce catch rates and 'in pot' mortality as far South as Scarborough, particularly on fishing grounds closer inshore. These reports were immediately investigated and verified by officers. The observed mortalities consisted of mainly smaller edible and velvet crabs with the occasional lobster indicating very weak 'twitching' behaviour when handled.

Following confirmation of the reports a joint agency response and investigation was launched and coordinated through Defra with the Environment Agency (EA) and the Centre for Environmental Fisheries and Aquaculture Science (CEFAS) taking the lead in gathering and analysing both biological, water and sediment samples. Alongside the joint agency response, the local fishing industry engaged an independent marine specialist to support a parallel investigation.

During March 2022 Defra closed the multi-agency response concluding that naturally occurring algal toxins were the most likely cause of the observed shellfish mortalities. Two independent reports produced by a marine pollution specialist acting on behalf of the fishing industry concluded that an anthropogenic chemical, pyridine, was the most likely

cause of the mortalities following release from sediments during dredging operations taking place within the Tees Estuary. Further research carried out by Newcastle University has highlighted the toxic effects of pyridine on crab and further enhanced the public view that pyridine released from sediment has been the primary causative factor of the event. The government view remains that the presence of an algal bloom combined with a sequence of environmental factors provides the most likely explanation for the observed shellfish mortalities. Industry and government led research into the primary cause(s) remains ongoing.

2. NEIFCA Response

Since the last Authority meeting held on 8 June 2022, NEIFCA's Environmental and Scientific team have maintained a stock monitoring programme in full consultation with the affected industry with regular updates reported back to a dedicated joint working group at meetings held on 24 January, 24 February, 21 April 2022 and most recently on Wednesday 5 October 2022. Further oversight of the Authority's ongoing response has also been provided through regular meetings of the Science Advisory Group held on 4 March, 19 April, 27 May and most recently on 23 September 2022. NEIFCA's Environmental and Scientific team also recently established a further bespoke technical and research group to support collaborative dialogue and the exchange of methodologies and findings resulting from ongoing independent and government led research into the causative factors of the shellfish mortality event. Two meetings of this new group have now been held the most recent being on 20 October 2022.

On 29 September 2022 NEIFCA Officers released the first summary report on the condition of crab and lobsters stocks within the affected area. The report contained an appraisal of overall stock condition up to the end of July 2022 based on national catch and effort data, data gathered from the Authority's own offshore survey work, data gathered from observer trips at sea on commercial fishing vessels and information gathered from the quayside. A copy of the report is attached at (9a) for members information. At this early stage the report concluded that the overall condition of lobster stocks appeared to be in line with seasonal expectations whilst edible crab stocks remained depressed, particularly to the North of Whitby. The report received some public criticism for the inclusion of offshore crab catches at Hartlepool which the industry felt skewed the overall picture in that area. These concerns were, however, caveated within the report but highlight the challenges of trying to utilise national catch and effort data to inform small scale inshore fisheries management decision making and are the primary reason why officers re-established a NEIFCA 'in-house' catch and effort reporting system during June 2022. This data will enhance the next stock summary report which will be published before the end of the year.

3. Current Situation

On 25 October 2022 the Environmental Fisheries and Rural Affairs (EFRA) Committee, chaired by North Yorkshire MP the Right Honourable Robert Goodwill MP, considered extensive evidence on the shellfish mortality event provided by representatives from the lead government agencies, independent University researchers from Newcastle and Hull, the fishing and myself on behalf of NEIFCA. A full recording of the EFRA session can be viewed through the following link bit.ly/3fevMtH. The EFRA Committee provided a number of recommendations to Defra which are attached at (9b) for members information. It is recommended that members consider and endorse those recommendations.

4. Next Steps

Defra continues to lead and coordinate the government response and communications at national level and has recently commissioned the establishment of an independent panel of experts to review and assess all research work conducted to date. NEIFCA remains linked into the Defra led response, maintaining a supporting technical and research group to maintain a level of active collaboration across all the associated industry and government led research work. NEIFCA also continues to lead on the monitoring of affected inshore shellfish stocks, reporting of such and the gathering of intelligence from the coast in partnership with the MMO.

Contact Officer

David McCandless,
Chief Officer,
Ext. 3690



Tees and North Yorkshire stock monitoring report

September, 2022

Date submitted:	07/09/2022
Report compiled by:	TS RB
Quality control by:	TS
Approved by & date:	DMc 07/09/2022
Version:	1

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North Eastern IFCA
Town Hall
Bridlington
East Riding of Yorkshire
YO16 4LP

Executive Summary

Beginning in October 2021, NEIFCA has been supporting a joint agency investigation into shellfish mortalities observed between Teesside and Robin Hoods Bay in North Yorkshire. The events were characterised by reports of dead and dying crab and lobster found washed up on beaches and in fishing pots, with animals displaying 'twitching' and lethargic behaviour as well as an inability to self-right.

Since October fishermen from Hartlepool to Scarborough have been reporting reduced catch rates, particularly from fishing grounds within 3 NM, raising concerns about the state of the crab and lobster stocks. In order to assess the scale of any potential impacts arising from the events of late 2021 and to monitor the recovery of the stocks, NEIFCA has been undertaking potting surveys from its research vessel, North Eastern Guardian III, and carrying out observer trips aboard commercial vessels working in the impacted area.

In addition, an assessment of landings data by region and by port has been undertaken to determine if overall landings figures for the past year have varied significantly from previous years. The aim of this report is to present the results of this work.

Significant reductions in landings for both lobsters and edible crabs in late 2021 were not evident and landings were broadly in line with historic data. As the 2022 season has progressed, lobster landings have increased in line with seasonal expectations. Edible crab landings and inshore catch rates, however, remain depressed suggesting that localised reductions in abundance persist. This supports anecdotal reports received from industry through the first half of 2022.

Shellfish health monitoring undertaken during surveys encountered very low numbers of dead or symptomatic shellfish, suggesting that no persistent health concerns remain. The assessment of landings data has highlighted significant increases in edible crab landings into Hartlepool since 2018-19. The impact of this change in fishing pressure on regional crab stocks requires further consideration.

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1. Scope and key assumptions

Working on the basis that a significant mortality event involving edible crab and lobster occurred between October and December 2021, the work summarised within this report was intended to assess both the impact of the initial events and to monitor the recovery of the fisheries. It is not the intention of this report to address the investigation into potential causes of the events observed, which was summarised in the joint agency investigation report available [here](#).

The events observed were characterised by:

- Wash ups of dead and dying crabs and lobsters on regional shores between Teesside and Robin Hoods Bay,
- Reports of increased in pot and post capture mortality rates.
- Reports of reduced catch rates

In order to assess the state of the shellfish (edible crab and lobster) stocks, NEIFCA undertook potting surveys utilising the Authority's patrol vessel and by accompanying commercial vessels during normal fishing operations in the affected regions to assess catch rates compared to historic data and to monitor animal health by quantifying dead or symptomatic animals. Additionally, landings data provided by the Marine Management Organisation was interrogated to assess deviation in annual and monthly landings compared to historic averages.

The key assumptions associated with this work was that a significant mortality event would result in 1) a significant reduction in landings (tonnage) in late 2021 when compared to previous years, 2) a significant reduction in catch rates compared to previous years and 3) continued occurrence of dead, dying and symptomatic animals.

The regional potting fisheries operate year round but follow consistent seasonal patterns. This is most evident with lobster where the bulk of annual landings occur between July and September in what is known as the 'new shelling' period. In terms of assessing long term impacts on the stock and recovery of the fisheries post-event, the key assumption was that a significant mortality event would result in reductions in monthly landings as the 2022 season progressed. In particular, industry feedback has highlighted that throughout 2022 edible crab catch rates and landings from within 3NM are significantly lower than expected.

Where long term data sets have been used for comparison with contemporary data, standard deviation was calculated to give an indication of whether deviation from historic average values could be considered significant.

2. Landings data assessment

Landings data was provided by the Marine Management Organisation extending back to 2009. The current assessment was limited to ports in the affected region, namely: Hartlepool, Redcar, Staithes, Whitby and Scarborough. Figures are also presented by ICES statistical rectangle for regions encompassing the impacted area. These include ICES rectangles 38E8, 38E9 and 37E9 (Figure 1).

Given the timing of the observed events and the data available, annual values were calculated as running from August to July of the following year. While not quantified, feedback from industry suggests that many commercial vessels took their pots out of the sea between December 2021 and spring 2022.

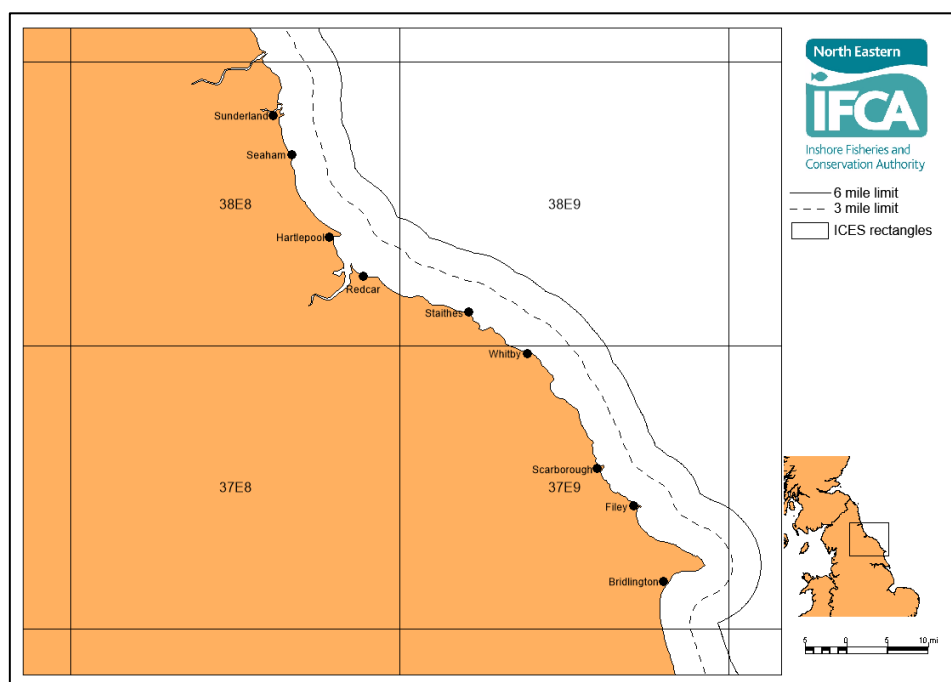


Figure 1. Regional map of key ports and ICES statistical rectangles considered in the current assessment.

Given the timing of the observed events and the data available, annual values were calculated as running from August to July of the following year. A reliable record of effort (pots hauled per day) directly linked to the available landings data was not available. As such, the following considerations should be taken into account when interpreting the data. The number of vessels having reported landings for each of the ports considered in this report have been on a declining trend since 2018/2019, with the exception of Staithes which remains stable but low (Figure 2). Furthermore, while not quantified, feedback from industry suggests that many commercial vessels operating in the affected region took their pots out of the sea between December 2021 and spring 2022.

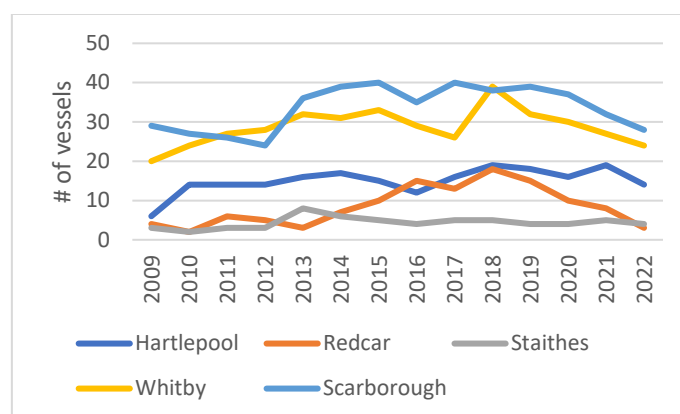
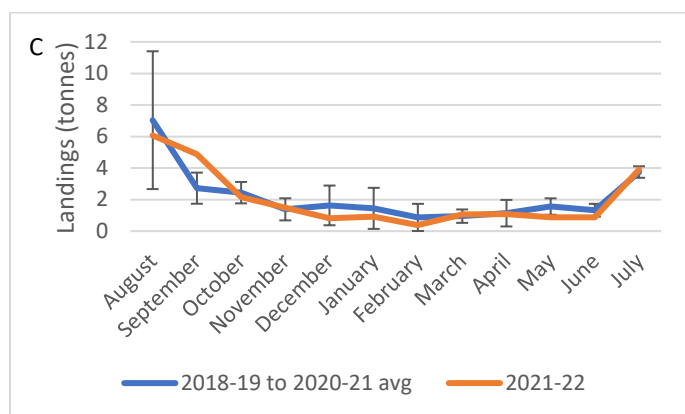
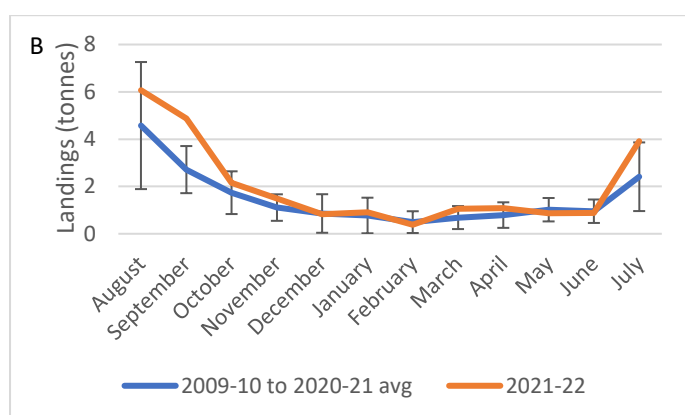
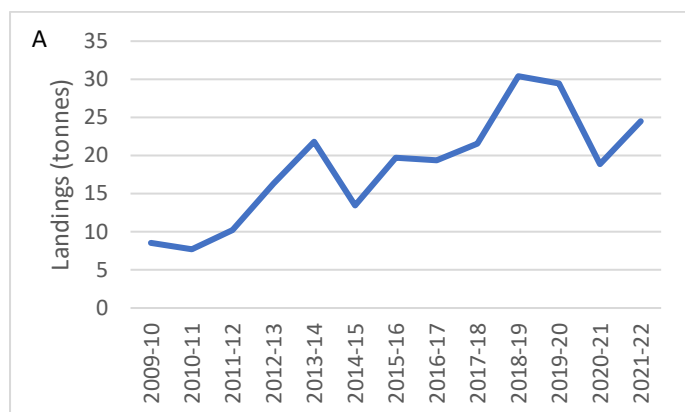


Figure 2. Number of vessels reporting landings of shellfish to regional ports by year.

Hartlepool

Lobster



Edible crab

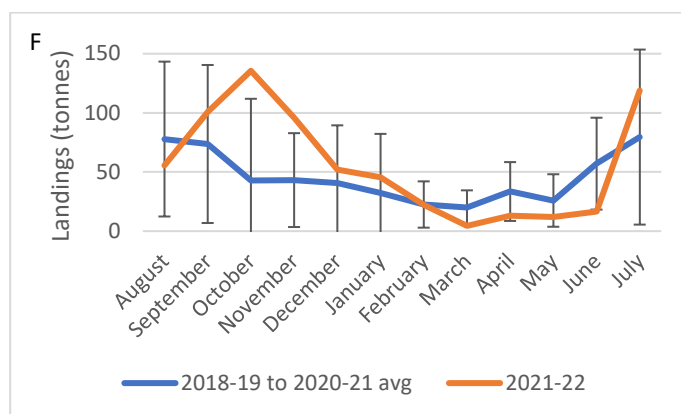
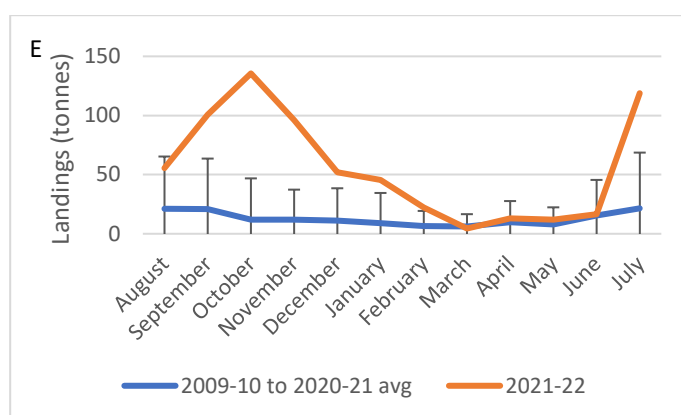
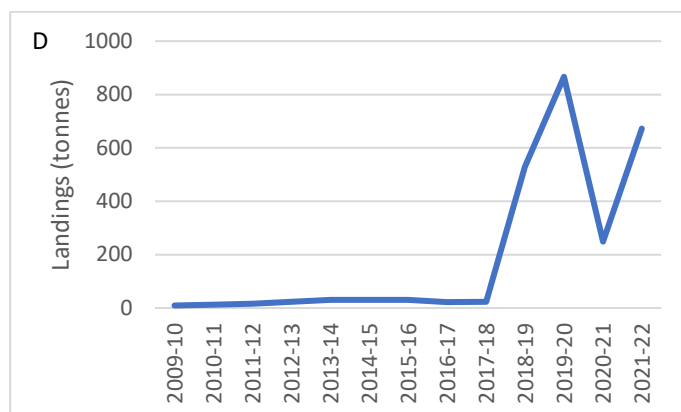


Figure 3. Annual landings for lobsters (A) and edible crabs (D) into Hartlepool. Monthly values are displayed with historic averages for the periods 2009-10 to 2020-21 and for 2018-19 to 2020-21 for both lobsters (B & C) and edible crabs (E & F). Error bars represent standard deviation.

The interpretation of landings data for Hartlepool (Figure 3) is complicated by the large increase in annual landings of edible crab reported since 2018-19. Based on officer knowledge this is attributed to larger, vivier vessels beginning to operate from the port from this time. These vessels typically range further from port than smaller inshore vessels and may operate in any or all of the three ICES rectangles considered in this report.

Despite the potential for minor variations in pot construction, vivier crabbing vessels utilise the same style of pots that are used by inshore vessels to target lobsters. It is assumed that while not targeting lobsters, these vessels will capture and land lobsters despite not being the target species.

Between 2009-10 and 2017-18 (Figure 3 D), edible crab landings into Hartlepool were consistently around 25 tonnes per year. Over the past four years, landings have been variable but significantly higher than the historic average. Average annual crab landings over this time were 579 tonnes. Lobster landings (Figure 3 A) into the port have been on an increasing trend since 2009 and increased notably in 2018-19, coinciding with the increase in crab landings.

Lobster and crab landings in 2020-21 (Figure 3 A & D) were both reduced compared to the previous two years. This may be related to reduced effort associated with the covid pandemic. Landings into the port for both species over the past year, which includes the observed events, were higher than those reported in 2020-21.

Figures for the monthly data were replicated using both 2009-10 to 2020-21 and 2018-19 to 2020-21 as reference periods to give a clearer comparison with contemporary patterns. For edible crab (Figure 3 E), comparing the 2021-22 values to the 2009-10 to 2020-21 average does not provide a reliable comparison given the consistently low levels of landings reported prior to 2018-19. While the average landings for 2018-19 to 2020-21 (Figure 3 F) provide more realistic grounds for comparison, high levels of interannual variation further confound interpretation.

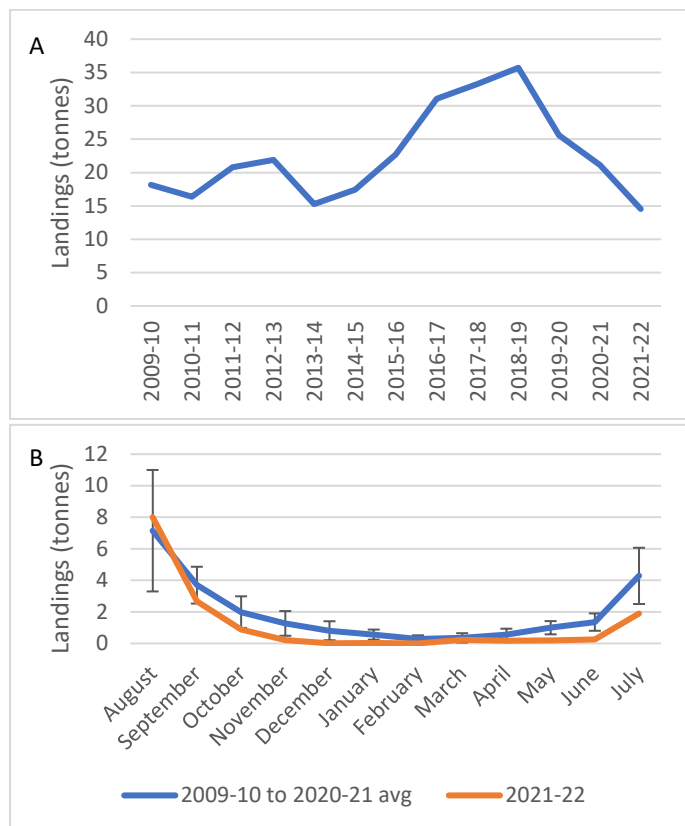
Between August and October 2021 (Figure 3 E & F), crab landings increased to a peak of over 135 tonnes. Landings for October are considered to be high, above the standard deviation for the three previous years. Monthly landings decreased between October 2021 and February 2022 in line with seasonal patterns but still at or above average values. Values for March to June 2022 were low compared to the three year average, around the lower levels for standard deviation. Landings markedly increased in July 2022 with 118 tonnes being landed, above the three year average but still within the range of historic interannual variation observed.

Again, the interpretation of landings data for crab needs to be treated carefully given the spatially discreet (inshore 0-3 NM) nature of the events observed and the geographic scale of fishing grounds utilised by vessels targeting crabs from Hartlepool. The MMO has noted some inconsistencies with crab data for Hartlepool and further data assessments will review any changes.

When compared to the previous 3 years, lobster landings for the past 12 months are broadly in line with average values and within the expected variance. Values for December 2021 to February 2022 were depressed but have since recovered with landings in July 2022 at the historic levels.

Redcar

Lobster



Edible crab

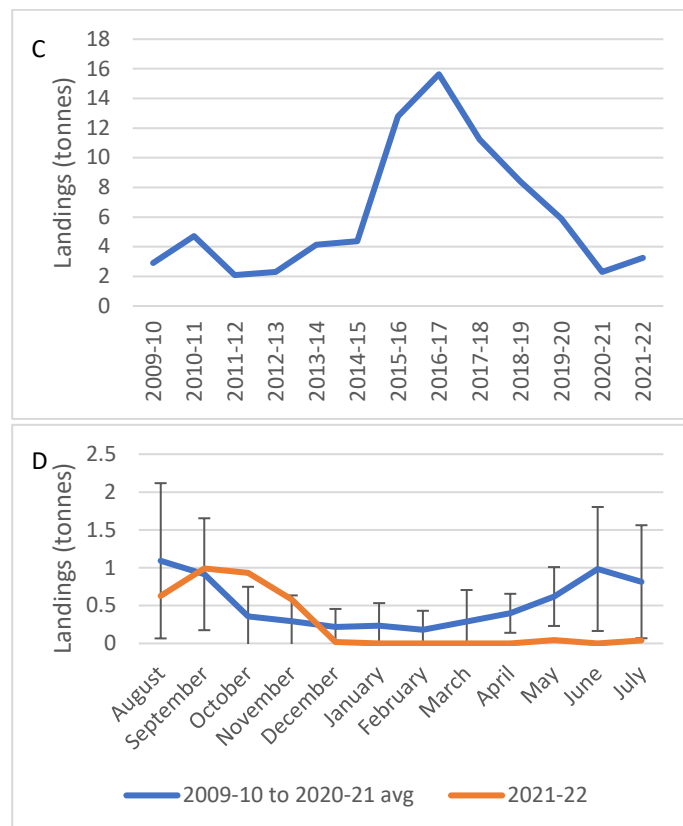


Figure 4. Annual landings for lobsters (A) and edible crabs (C) into Redcar. Monthly values are displayed with historic averages for the periods 2009-10 to 2020-21 for lobsters (B) and edible crabs (D). Error bars represent standard deviation.

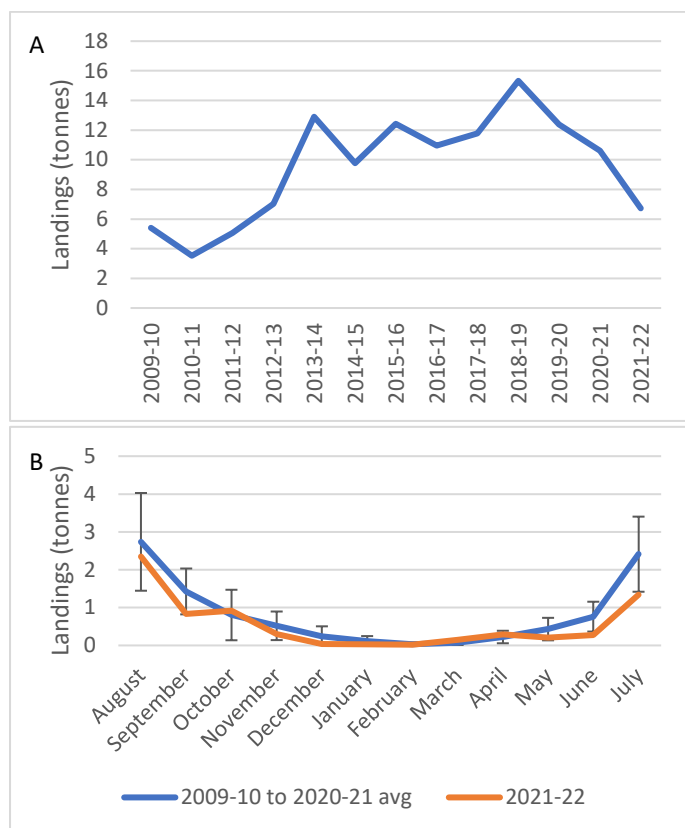
Statistics for Redcar are considered more representative of the inshore fleet as all vessels operating from Redcar are small, beach launch boats that would typically not range as far from port as the larger vivier vessels operating from Hartlepool.

Annual statistics for both lobster (Figure 4 A) and crab (Figure 4 C) landings show declines since 2018-19 and 2016-17 respectively. The monthly statistics for crab show a significant decline in landings in December 2021 and depressed values through to July 2022 (Figure 4 D), however, landings for October and November 2021 were higher than previous years.

Anecdotal reports from industry suggest that many vessels took their pots out of the water in late 2021 due to poor catches. Bearing this change in effort patterns in mind, lobster landings between December 2021 and June 2022 were very low, below what would be expected to be landed over this time period (Figure 4 B). Landings did increase in July 2022 at the start of the new shelling season but were still far below expected values. The lack of an appreciable increase of crab landings in July supports the anecdotal reports that inshore fishermen were not seeing the quantities of crab in their pots that they would be expecting.

Staithes

Lobster



Edible crab

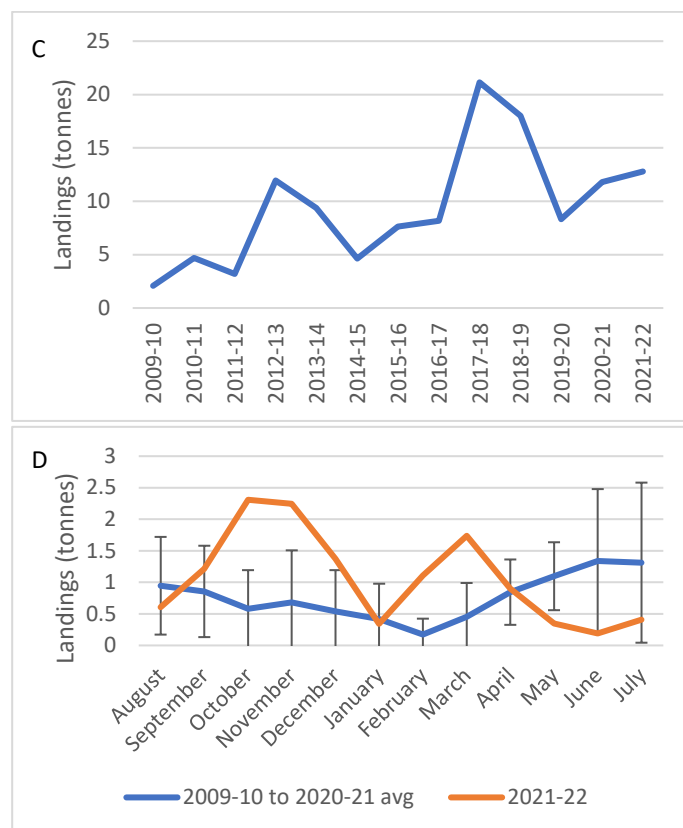


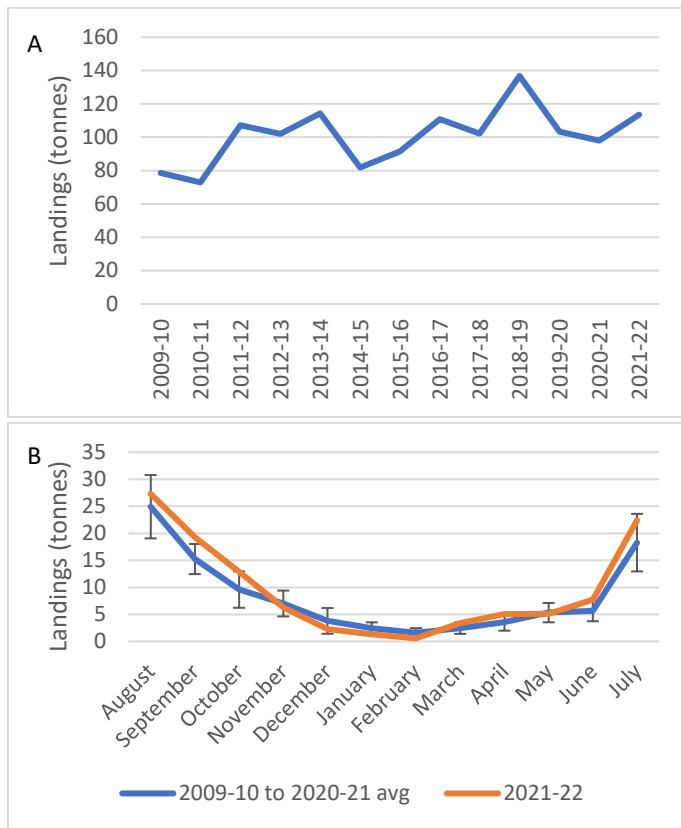
Figure 5. Annual landings for lobsters (A) and edible crabs (C) into Staithes. Monthly values are displayed with historic averages for the periods 2009-10 to 2020-21 for lobsters (B) and edible crabs (D). Error bars represent standard deviation.

Annual lobster landings into Staithes have been declining since 2018-19 (Figure 5 A), coinciding with the increase in crab landings into Hartlepool. Monthly landings over the past year follow the typical seasonal pattern with peak landings occurring in the new shelling period between July and August (Figure 5 B). Landings between August and December 2021 were below the long term averages for those months with the exception of October. Landings in 2022 increased in line with expectations up to April, however values for May to July were well below the average figures, at or below the standard deviation range for those months.

Crab landings exhibit high interannual variation with appreciable increases in 2012-13 and 2017-18, and have increased since 2019-20 (Figure 5 C). Monthly landings also demonstrate high variability when compared with the long term averages. Landings between October and December 2021, at the peak of the observed events, and between February and March 2022 were well above the average values. Landings after March do not follow the seasonal trend and fell month on month to June before a small increase in July. Caution in interpretation of these figures should be employed given the high variability observed and the relatively low tonnages involved.

Whitby

Lobster



Edible crab

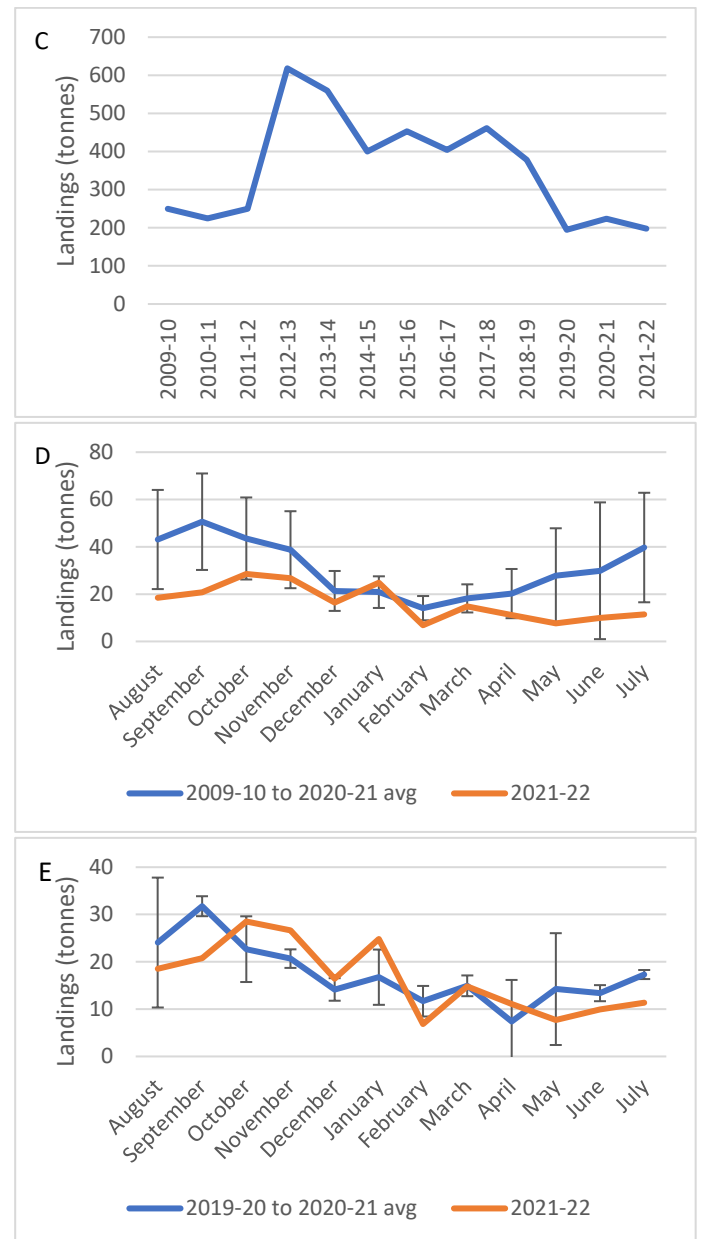


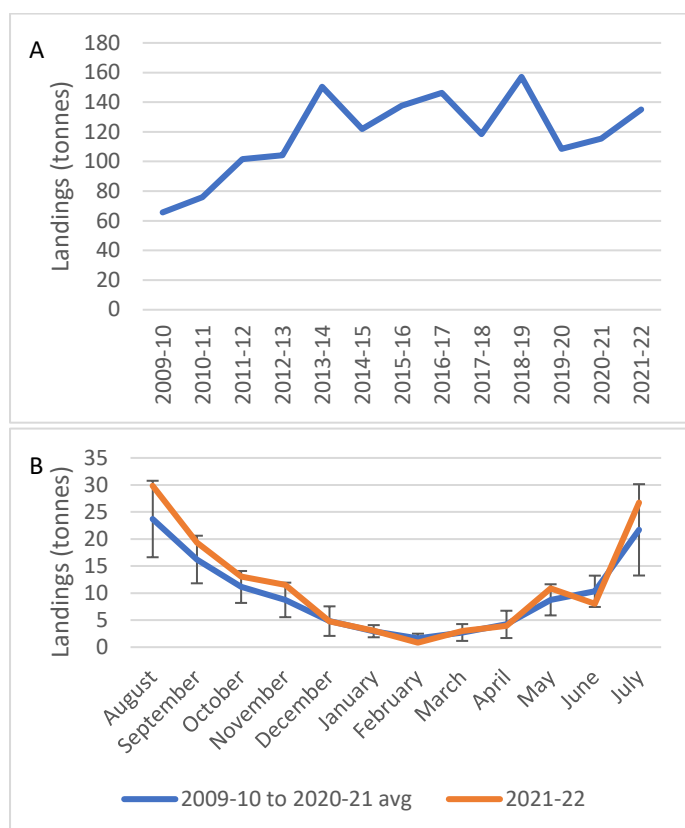
Figure 6. Annual landings for lobsters (A) and edible crabs (C) into Whitby. Monthly values are displayed with historic averages for the periods 2009-10 to 2020-21 for lobsters (B) and edible crabs (D). Monthly values for edible crabs are further compared with the average for the period 2019-20 to 2020-21 (E). Error bars represent standard deviation.

Lobster landings into Whitby average 100 tonnes per year and were higher over the past 12 months compared to the previous 2 years (Figure 6 A). Monthly values were above or at the average between August and November 2021 but fell below the average between December 2021 and February 2022. Landings have returned to expected levels since March 2022, at or above the average values.

Crab landings have been relatively low but stable for the past 3 years compared to the long term average (Figure 6 C). It is notable that landings decreased significantly after 2018-19, coinciding with the increase in crab landings into Hartlepool. Monthly landings were considerably lower than the long term average (2009-10 to 2020-21) (Figure 6 D), however when compared with the previous 2 years are broadly in line with expectations despite a high degree of variability (Figure 6 E).

Scarborough

Lobster



Edible crab

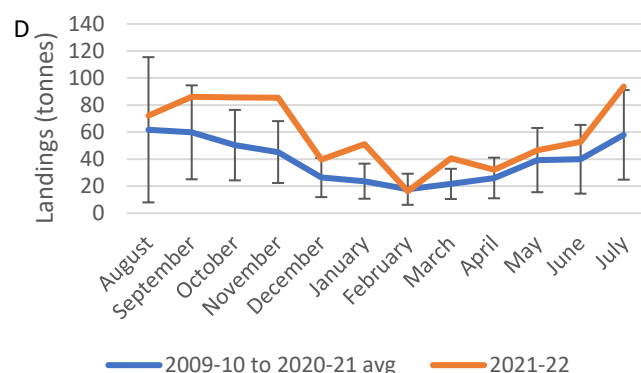
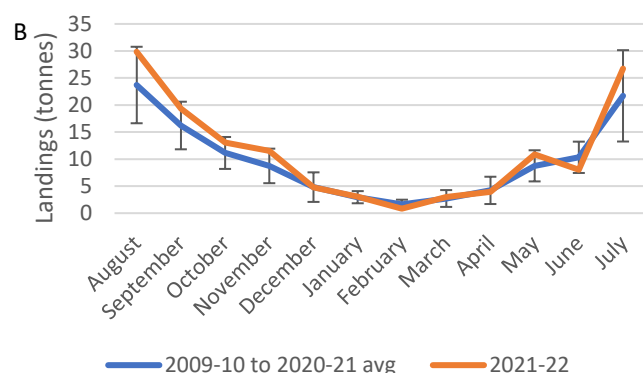
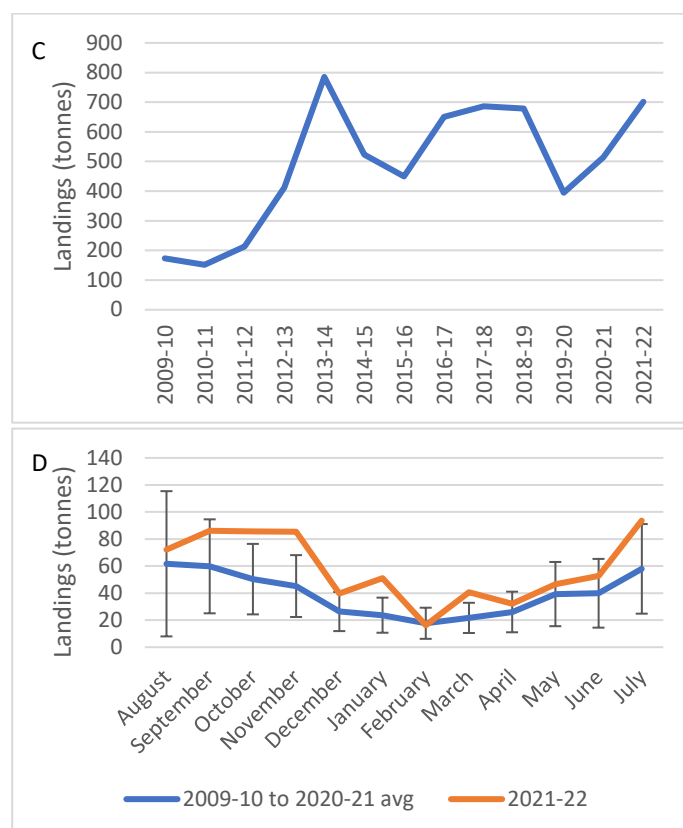


Figure 7. Annual landings for lobsters (A) and edible crabs (C) into Scarborough. Monthly values are displayed with historic averages for the periods 2009-10 to 2020-21 for lobsters (B) and edible crabs (D). Error bars represent standard deviation.

Both lobster and crab annual landings into Scarborough have been increasing since 2019-20 (Figure 7 A & B). Monthly values for both species over the past year follow seasonal trends and do not demonstrate any appreciable reduction in landings compared to the long term averages.

Landings by ICES rectangle

Lobster

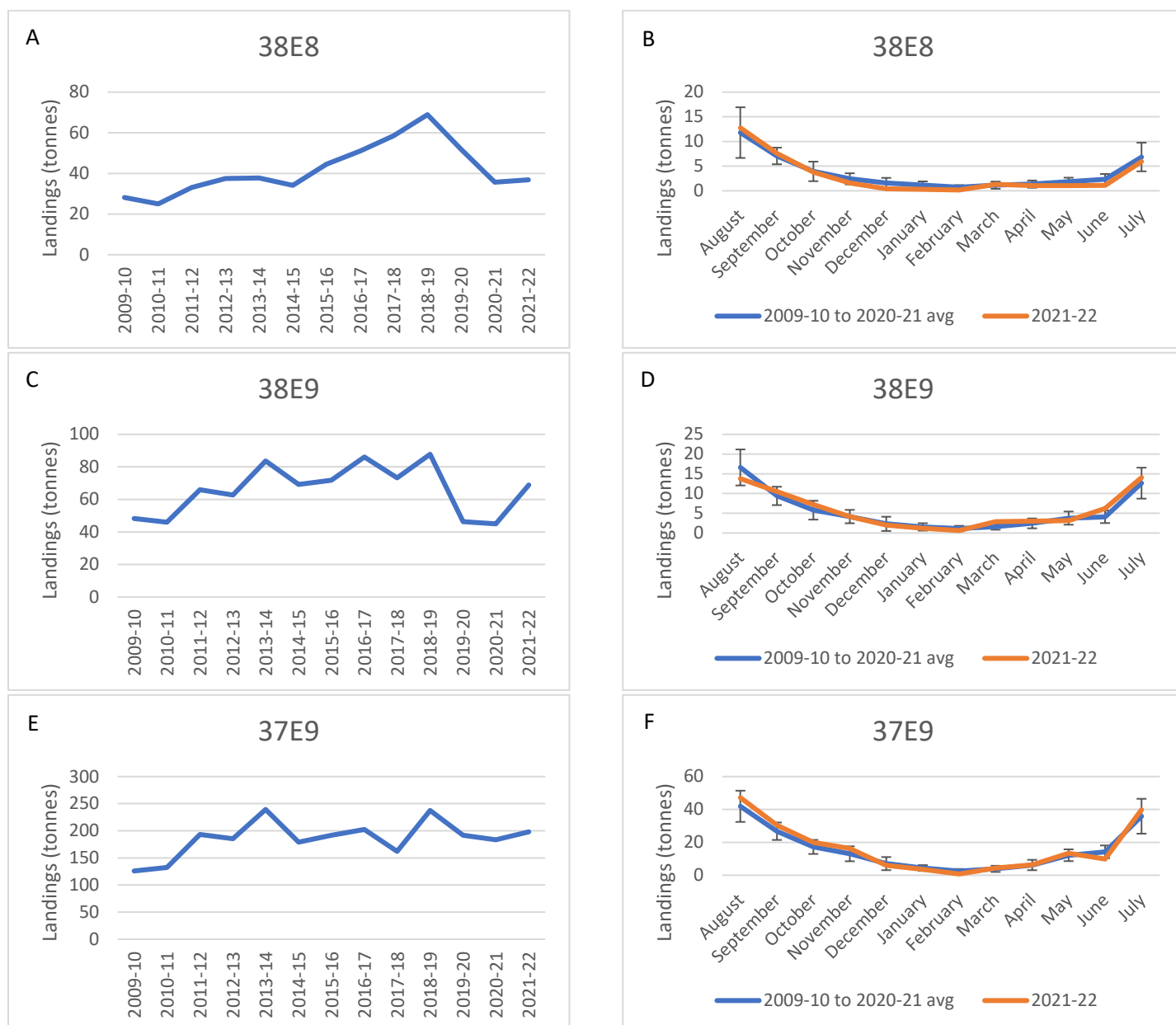


Figure 8. Annual and monthly lobster landings for ICES rectangles encompassing the affected region. Monthly values are displayed with historic averages for the period 2009-10 to 2020-21. Error bars represent standard deviation.

When considered by ICES statistical rectangles, annual lobster landings were all higher in 2021-2022 compared to the previous 12 months (Figures 8 A, C & E). Prior to this, landings from all 3 rectangles had been on a declining trend since 2018-19. Monthly values did not vary significantly from the long term averages (Figures 8 B, D & F), but were somewhat depressed between December 2021 and February 2022 in 38E8 which encompasses the Teesside area and Redcar. This could in part be due to fishermen taking pots out of the water.

Edible crab

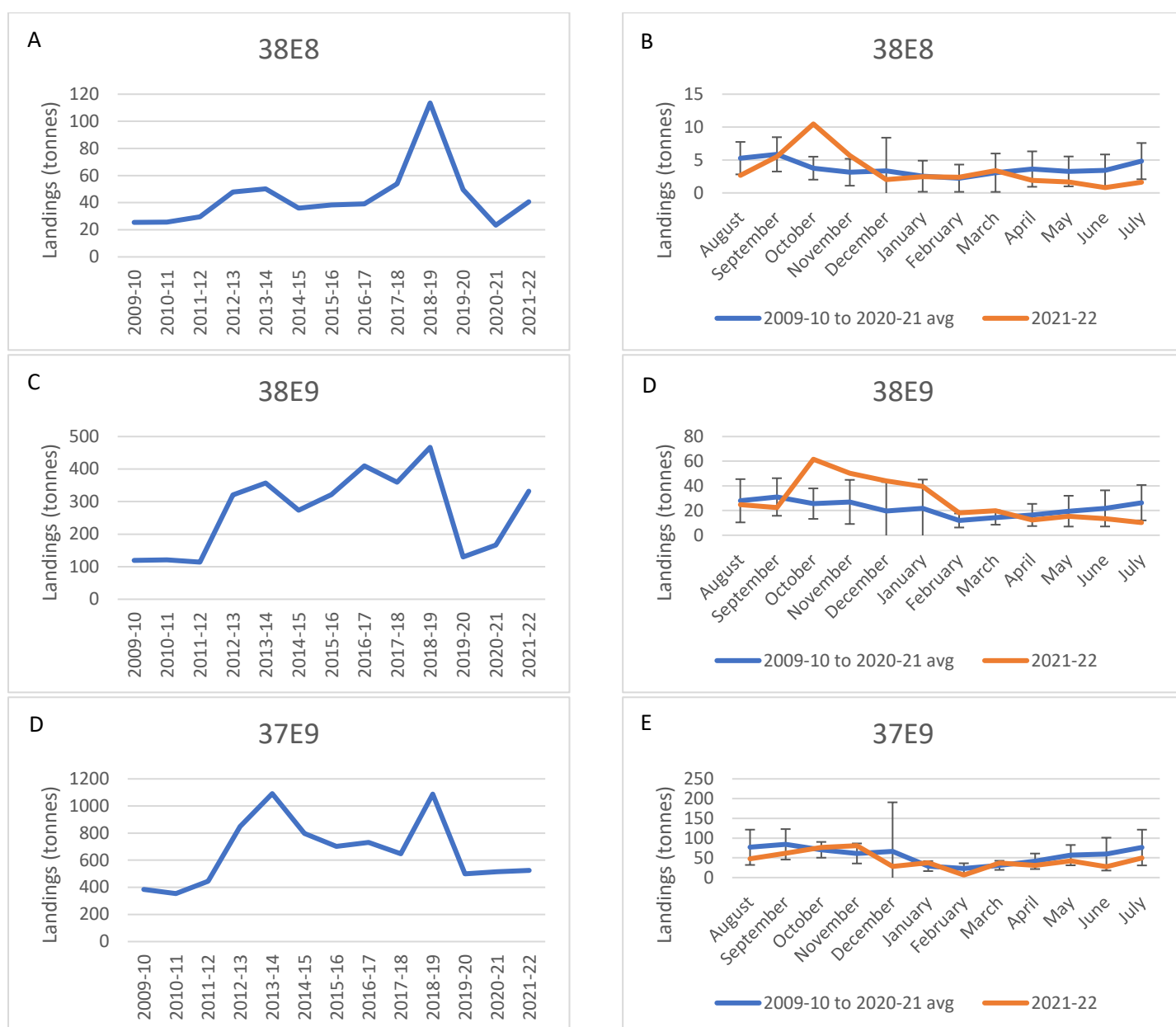


Figure 9. Annual and monthly edible crab landings for ICES rectangles encompassing the affected region. Monthly values are displayed with historic averages for the period 2009-10 to 2020-21. Error bars represent standard deviation.

Peak annual crab landings for the 3 ICES rectangles considered can be seen in 2018-19 before appreciable reductions in subsequent years. In all cases, crab landings for 2021-22 were higher than landings for 2020-21 (Figures 9 A, C & D).

Monthly crab landings for October and November 2021 for 38E8 and for October 2021 to January 2022 for 38E9, the ICES rectangles closest to the epicentre of the observed events, were above the average values for the reference period and in some cases above the expected variation. Conversely, landings between April and July 2022 have been significantly lower than the historic averages, at the limit of typical variance.

3. Potting survey assessment

Potting surveys from the IFCA patrol and commercial fishing vessels began in March 2022. Due to a lack of historic data for March, the current assessment only considered survey data captured since June 2022. Survey fleet locations were distributed in the main affected area between Hartlepool and Scarborough (Figure 10).

Following consultation with industry and knowledge of the geographic scale of the events, this assessment only included survey data originating within 3 NM from shore. The analysis area was further subdivided into three areas based on industry feedback to assess if a gradient of impact could be detected with increasing distance from the epicentre of observed events, understood to be in the Teesside region. Catch Per Unit Effort (CPUE) was calculated as the number of animals (lobsters or edible crabs) captured per pot hauled.

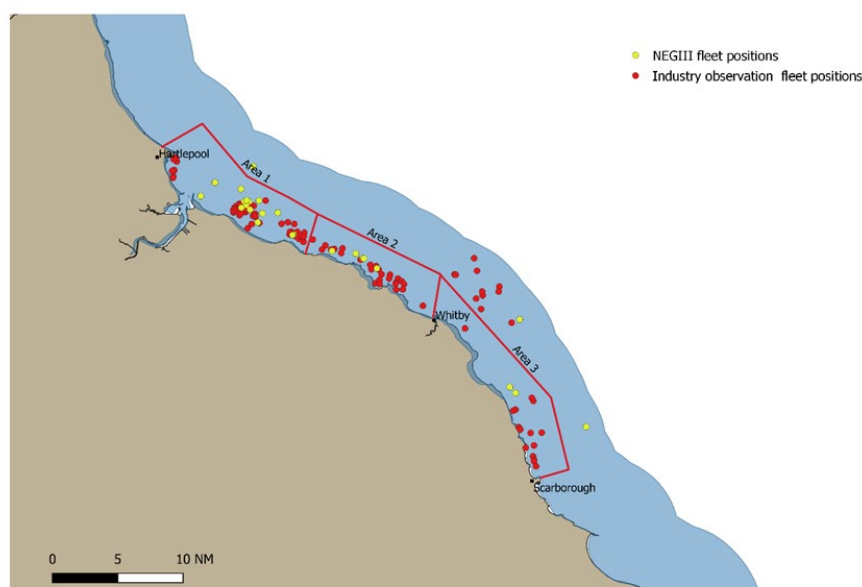


Figure 10. Sampling locations from observer trips on industry vessels and North Eastern Guardian III surveys in March, June and July 2022 within the affected areas (Teemouth to Scarborough).

When considering the region as a whole, CPUE for lobster in June 2022 was below the monthly average but within the expected variance (Figure 11 A). CPUE increased significantly in July as the new shelling period began, well above both the monthly average and expected variance. Size frequency for male and female lobsters was comparable with historic data, indicating no significant change in size structure.

CPUE for edible crab for both June and July were significantly lower than previous years (Figure 11 B), at or below the lower limit of expected variance. This supports anecdotal reports from the industry regarding reduced crab catch rates from within 3 NM.

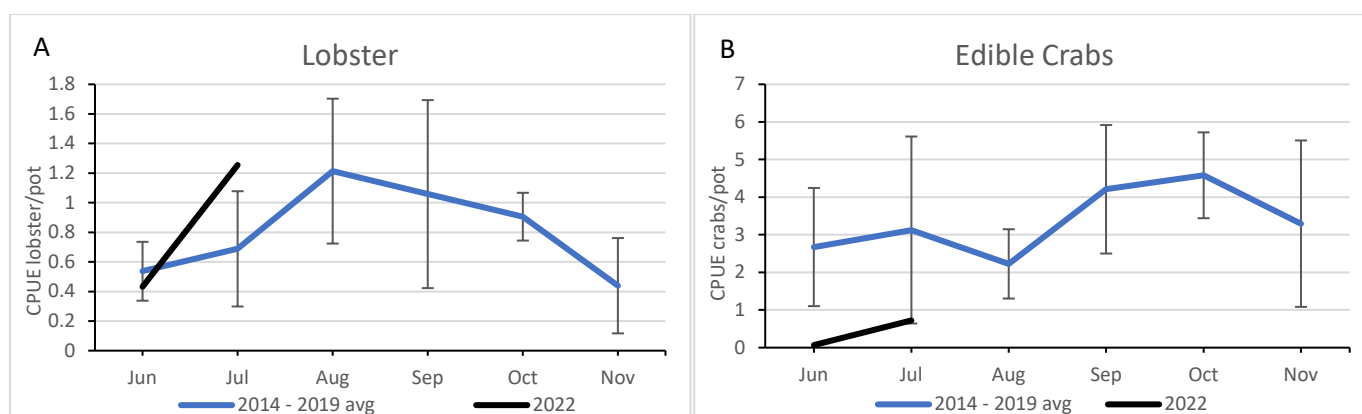


Figure 11. Catch Per Unit Effort (CPUE) for lobsters (A) and edible crabs (B) from surveys aboard NEGIII in 2022 compared with the historic monthly averages for NEIFCA data. Error bars represent standard deviation.

CPUE for both species from survey fleets operated from NEGIII were consistently higher when compared to fleets worked from industry vessels (Figure 12), however this can be attributed to escape gap regulations minimising capture of undersize animals in commercial pots. Lobster CPUE from IFCA data for area 3 was significantly higher than areas further to the north, as well as the historic average. Data from industry surveys also shows an increasing trend in lobster CPUE with increasing distance from Teesside, however the lack of comparable historic data means caution should be employed in interpretation.

Similarly, CPUE for edible crab was higher in area 3 compared to the areas further north for both IFCA and industry data, but was still significantly below the historic average for all areas considered.

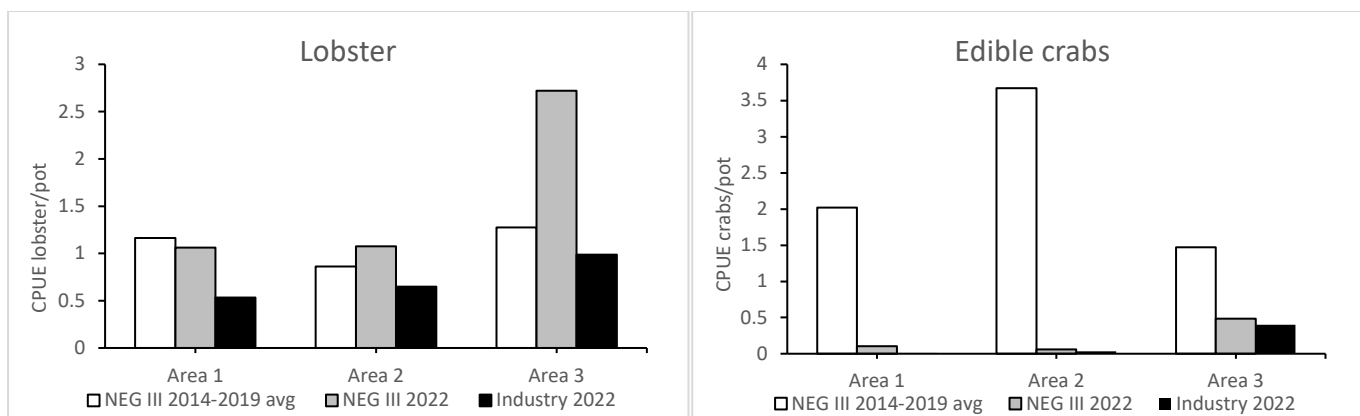


Figure 12. Regional Catch Per Unit Effort (CPUE) for lobsters and edible crab from IFCA and industry surveys compared with the historic averages.

Shellfish health has been monitored across all surveys completed in 2022 and notes taken when animals were either symptomatic or dead at sea. No animal health issues were encountered during surveys aboard NEGIII. On one observer trip on a commercial vessel, 2 lobsters were found to be displaying the characteristic twitching symptoms, while on a separate industry trip 5 lobsters were found to be dead once the vessel had returned to port. All of these were kept by Officers and passed onto partner agency laboratories for analysis. The low numbers of animals observed displaying symptoms or subject to post capture mortality does not suggest any on-going health concerns within the population (Table 1).

Table 1. Numbers of lobsters and edible crabs assessed as part of potting surveys undertaken during 2022 including those observed to be either symptomatic or dead.

	Lobsters	Edible crabs
NEGIII	674	314
Industry vessels	2112	1046
Symptomatic	2	0
Dead	5	0

4. Conclusions

The landings data assessment indicates that the scale of the impact of the observed events was not as severe as originally feared. This does not preclude the possibility that some highly localised fishing grounds suffered significant mortalities, but at a regional scale, landings in late 2021 were broadly in line with historic data and a significant reduction in landings in October and November were not observed. The resourcefulness of individual fishermen, however, and their capacity to find alternate grounds should also be taken into consideration. Should future events occur, an assessment of IVMS data to look at changes in individual vessel fishing patterns may be able to detect significant shifts in behaviour in response to similar events.

From a wider fisheries management perspective, the increase in edible crab landings into Hartlepool over the past 4 years, which is attributed to the increase in vivier vessels operating from the port, is considered to be significant and there is some indication that these vessels may be impacting stocks as far south as Whitby.

As the 2022 season has progressed, landings of lobsters into the larger ports of Hartlepool, Whitby and Scarborough have increased in line with seasonal

expectations. Lobster landings into Redcar and Staithes, however, have remain depressed suggesting that localised reductions in abundance persist. The catch rates of lobsters from surveys in mid-2022 do give some reassurance that recovery of this socio-economically important species is occurring.

Some concern still remains regarding inshore stocks of edible crabs. While a sharp decline of landings in late 2021 was not evident, the very low abundance of crabs captured during surveys and the depressed monthly landings compared to historic averages for many regional ports in 2022 supports industry reports. Whether this reduced abundance is due solely to the events of late 2021 or is an indication of wider fisheries issues associated with increased regional fishing mortality is not clear. The very low numbers of dead or symptomatic shellfish observed during surveys in 2022 does however give confidence that no persistent shellfish health concerns remain.



Environment, Food and Rural Affairs Committee

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From the Chair of the Committee

Thérèse Coffey

Secretary of State for Environment, Food and Rural Affairs

Department for Environment, Food and Rural Affairs

2 Marsham Street

London SW1P 4DF

Sealife Mortality off the North East Coast

1 November 2022

Dear Secretary of State

On Tuesday 25 October, the Environment, Food and Rural Affairs Committee heard a powerful testimony about the mass deaths of crustaceans off the North East Coast, including its potential causes, and the profound and long lasting impact that it is having on fishing communities.

Two scientific theories regarding the possible cause were presented to the Committee: the consequences of the breakdown of an algal bloom or the impact of chemicals (pyridine toxicity) from maintenance dredging of shipping channels.

Following this session, the Committee would like to draw your attention to its interim conclusions on this topic.

- There is clearly a need for further data and research on the causes of the mass die-off. This must include urgent investigation of the potential sources of pyridine that Dr Gary Caldwell of Newcastle University identified in his oral evidence including more extensive sampling of the sediments in the bed of the Tees Estuary to create a map of potential sources of pyridine in proximity to maintenance dredging and the wider area.
- This research must be done in an open and collaborative way between Government Agencies and the wider scientific communities, including the independent verification of testing. We hope this would also include Dr Caldwell sharing his research data with all interested parties. A collaborative approach is essential to start the process of

rebuilding trust between Government Agencies and the local fishing communities which has been badly damaged.

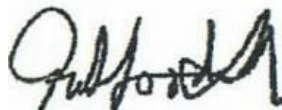
- We also recommend that the Government Chief Scientific Adviser should urgently appoint an expert independent scientific panel ("the expert panel") to review the evidence for both theories. The expert panel should conduct its work as quickly as possible and report back its findings as soon as possible.
- The Marine Management Organisation (MMO) must urgently review the dredging activity in the Tees. Maintenance dredging, we were told, removes material recently deposited in the shipping channels. This will include sand that has washed in from the North Sea but it also includes silt washed down the river. Dr Caldwell suggested that this could have been contaminated with historic material that may have entered the channel. Further detailed surveys may quantify the extent to which this has happened and the future potential risks.
- There are already controls on both capital and maintenance dredging. We note that only routine maintenance dredging took place ahead of the crustacean mortality event in Autumn 2021, although some maintenance dredging took place at a quicker pace than usual. We recommend that the MMO explore, in line with the precautionary principle, what steps could be taken to reduce the risk associated with capital and maintenance dredging such as improved techniques to prevent dredged sediment escaping into the wider environment during excavation. This should include consideration of whether there should be changes to the depth and intensity of dredging, whether changes should be made to dredging techniques, and where and how dredged material is disposed of.
- The MMO must also ensure that all the current conditions on its licence are met and should include pyridine in the testing as part of any future licence approval process. We also believe that all dredged material should be tested for pyridine and any that is found to have dangerous levels of pyridine should not be disposed of at sea. This, and dredging techniques, should be reviewed in light of the expert panel's findings
- A complete moratorium on maintenance dredging would eventually close the port and its associated industries, causing further economic damage. We believe that maintenance dredging should be kept to the minimum level needed to keep the port operational until the expert panel's investigation is completed. We believe this, together with the consideration of the factors we mentioned earlier, are sensible,

proportionate steps that could be taken to help manage the risk while further investigations are undertaken.

- Until the cause of the mass die-off is known, we also believe that the MMO should routinely check for pyridine as part of the testing and approval process for any new capital dredging works. Any current capital dredging work and new licences issued after the conclusion of the expert panel's investigation must take account of the outcome of that investigation.
- The Government should reconsider its position on providing financial support to affected communities. The UK Seafood Fund is not an appropriate vehicle for responding to this incident. A dedicated, separate fund should be set up to support affected fishers and potters and the regeneration of crab and lobster stocks.

We would appreciate an urgent response to this letter in advance of your appearance before the Committee in November.

Yours sincerely



Rt Hon Sir Robert Goodwill MP
Chair, Environment, Food and Rural Affairs Committee

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Authority Meeting
1 December 2022

Science Advisory Group Update

Report by the Chair of SAG & the Environmental & Scientific Manager

1. **Purpose of Report**

To update members on the most recent proceedings of the Science Advisory Group (SAG) following meetings held on 27 May and 23 September 2022.

B. **Recommendation**

That members note the report and consider the Group's recommendations.

1. **Background**

1.1 Since the last Authority meeting held on 8 June 2022, two meetings of the SAG were held on 27 May and 23 September 2022 and is summarised below.

1.2 **27 May 2022**

At the meeting members considered the following items:

- Cockle Monitoring Report
- Scallop Fishery Monitoring Report
- Shellfish Incident Monitoring Report

1.2.1 *Cockle Monitoring Report*

The Environmental and Scientific Officer Ralf Bublitz delivered a report on NEIFCA management of cockles, delivered through Byelaw XXIV, which includes a permit and catch return system, a closed season between the 1st of May and the 31st of August, daily catch limits, technical gear restrictions and minimum landing size.

The Byelaw applies to the Humber Estuary and within the boundaries of Hartlepool, Stockton-on-Tees and Redcar and Cleveland Borough Councils.

Three areas of intertidal habitat in the NEIFCA district are routinely monitored to assess cockle stocks in the Tees and Humber Estuaries; Middleton Basin and Bran Sands in the

Tees Estuary and the intertidal sands of Cleethorpes known as Wonderland. Following a review of evidence in 2020, it was agreed that monitoring would be carried out every two years.

Survey work was carried out by NEIFCA environmental officers over the Easter weekend (16-18th April 2022) in all 3 locations. The surveys undertaken found very low abundances of size cockles (over 20mm shell width) at all sites. At Bran Sands a decreasing trend in biomass has also been noted since standardised surveys began. The biomass at Middleton Basin has not changed since the last survey in 2020 and at Wonderland, Cleethorpes the first increase in biomass has been noted since the standardised surveys began in 2014.

Members discussed the need for historic data to establish a base level for normal range. Environmental and scientific officers to look into this.

Given both the low density of size cockles and the low economic value of any potential fishery there is no justification in opening the beds to gathering at this time. It is suggested that monitoring should continue with the next surveys planned for 2024.

1.2.2 *Scallop Fishery Monitoring Report*

The Environmental and Scientific Manager Tim Smith updated members on the results of the scallop dredge fishery monitoring work for the 2021/2022 season.

The Environmental and Scientific Manager Tim Smith reported that overall landings and LPUE continue to follow an increasing trend, despite variation attributed to external factors associated with the COVID-19 pandemic. Average scallop size remains stable and well above the minimum size.

Bycatch of lobster remains very low, while CPUE for edible crab was half that of observed rates for previous years. Members discussed if the reduction of bycatch compared to previous years could be as a result of the recent Shellfish Mortality Incident in the Tees area.

Members discussed the prominence of the Northern box compared to the Southern box and the suggestion of filtering the data to show bycatch of the Northern box only, to further analyse the impact of the Shellfish Mortality Incident.

Members also discussed the impact on the fishery of making significant changes to the program, including adding another area, offering more permits and altering the season. Formal consultation would need to be held, with more data gathered on the areas surrounding the existing boxes and the effect of the proposed changes. The Environmental and Scientific Manager Tim Smith advised that this may be a subject for the 23/24 monitoring program and more work would need to be undertaken to establish the implications.

The Environmental and Scientific Manager Tim Smith also informed members of reports of vessels using beam trawls to trawl for scallops and the implications on this fishery of this.

The Environmental and Scientific Manager Tim Smith recommends that the fishery re-opens on 1 November 2022 with a maximum of 3 permits offered for the 2022/2023 season.

1.2.3 *Shellfish Incident Monitoring Report*

The Environmental and Scientific Officer Samira Anand presented a progress report of NEIFCA's Shellfish Monitoring Programme in response to the shellfish mortality events which began in October 2021.

NEIFCA shore-based enforcement officers and environmental officers have been conducting regular industry engagement visits to the ports affected by the shellfish mortality events of 2021 with an aim of obtaining information on any changes to catch rates, shellfish health and to determine the spatial and temporal extent of the impact on the lobster and edible crab fisheries.

New reports were received recently of dead and symptomatic shellfish washed up on beaches within the district. At present the most northern sightings of dead shellfish were found washed up on beaches in Hartlepool and the most southern were of symptomatic shore crabs found at Robin Hood's Bay.

Fishermen within this affected area of the district have also reported dead lobster and edible crab appearing in their pots whilst hauling gear and merchants have reported landed catch dying in their tanks. Additionally, initial reports have been received from members of the prawn fleet advising their catch rates are extremely low and have caused them to move to fishing grounds outside of the district.

Reports from NEIFCA shore officers of parasites found on afflicted lobster were discussed by members.

The Environmental and Scientific Manager Tim Smith informed members that CEFAS are looking into some additional testing based on the samples from the more recent washup, with NEIFCA shore officers reacting quickly to any reports of dead or dying shellfish from members of the public.

The Environmental and Scientific Manager Tim Smith suggested data from the MMO for catch and effort especially in crab doesn't appear to be accurate and work is needed on collating specific data from the affected area with NEIFCA enforcing the byelaw for catch returns from all commercial permit holders.

1.3 **23 September 2022**

At the meeting members considered the following items:

- Tees and North Yorkshire stock monitoring report
- ELSI update
- Humber Estuary Byelaw 2022
- Shellfish Permit Byelaw 2022
- Angling strategy

1.3.1 *Tees and North Yorkshire stock monitoring report*

Environmental & Scientific Manager Tim Smith delivered a report on the stock monitoring work undertaken in response to the Tees and North Yorkshire Shellfish Mortality Incident.

In order to assess the scale of any potential impacts arising from the events of late 2021 and to monitor the recovery of the stocks, NEIFCA has been undertaking potting surveys from its research vessel, North Eastern Guardian III, and carrying out observer trips aboard commercial vessels working in the impacted area. In addition, an assessment of landings data by region and by port has been undertaken to determine if overall landings figures for the past year have varied significantly from previous years.

The landings data assessment indicates that the scale of the impact of the observed events was not as severe as originally feared. This does not preclude the possibility that some highly localised fishing grounds suffered significant mortalities, but at a regional scale, landings in late 2021 were broadly in line with historic data and a significant reduction in landings in October and November were not observed. The resourcefulness of individual fishermen, however, and their capacity to find alternate grounds should also be taken into consideration.

From a wider fisheries management perspective, the increase in edible crab landings into Hartlepool over the past 4 years, which is attributed to the increase in vivier vessels operating from the port, is considered to be significant and there is some indication that these vessels may be impacting stocks as far south as Whitby.

Environmental & Scientific Manager Tim Smith advised members that NEIFCA continue to take part in the Joint Agency Working Group monitoring the situation closely and push for further testing as well as the continued meetings of the Joint Industry Working Group to liaise directly with those most effected by the events. Reports were received recently of another small wash-up in the area and officers were looking into this. Members were informed that the incident is still an ongoing concern and a high priority work stream for NEIFCA Officers.

Members were interested in any advancement of national research into testing techniques as a result of the Shellfish Mortality Incident and were informed that CEFAS are doing a lot of work into the development of specific testing going forward.

1.3.2 *ELSI update*

Environmental & Scientific Officer Ralf Bublitz presented a report to update members on the progress of the DEFRA funded research project ELSI (European Lobster Settlement Index)

Since the deployment of the cages in May and June 2022, each cage with the attached loggers was hauled 5 times in combination with plankton tows. No juvenile lobsters were found in the cages yet, but all planktonic stages (stage I-IV) were caught in the plankton net across all sites.

The analysis and identification of all the species found in the cages has started using the lab facilities at HFIG. Differences in the abundance and diversity between sites, indicating that there are differences in the species distribution and abundance along the North Yorkshire Coast have already been noticed.

The growth study is ongoing with over 330 lobsters measured to date.

Members were informed that officers are currently in the process of recovering the cages before the onset of bad weather and the winter months will be used for data analysis. The

lack of juvenile lobster in the hauled cages is not a surprise, but techniques will be altered and refined for the start of next year.

The members were updated with the serious failure of the engine on NEG III and the impact on the project in respect of being able to recover the equipment. HFIG and industry vessels have been able to offer assistance in the short term, and the end of the season signifies an end to the deployed cages. Work will continue over the winter period in refining methods and analysing the abundance and diversity of species found in the cages.

1.3.3 *Humber Estuary Byelaw 2022*

Environmental & Scientific Manager Tim Smith presented a report looking at a final draft of the Humber Estuary Fishing Byelaw XXIX, which has been revised to include the proposed extension to the Spurn Point Seagrass Area.

Annual surveys of the eelgrass bed have been conducted in conjunction with Yorkshire Wildlife Trust since the introduction of the byelaw, with data compared across years to determine the stability (number of years present) of the eelgrass bed. The initial boundary of the protected areas was defined based on the presence of the eelgrass bed in 2014. There is now sufficient data to indicate stable presence of eelgrass outside the existing protected area. To ensure sufficient protection of the designated feature, officers propose altering the offshore extent of the protected area.

The revised boundary will provide a buffer for new growth and further expansion of the eelgrass bed in the future and reduce the need to revise the boundary again should the distribution of the species continue to increase.

Consultation will commence based on the members support and will be forwarded to the Executive Committee prior to this.

1.3.4 *Shellfish Permit Byelaw 2022*

Environmental & Scientific Manager Tim Smith presented a draft Shellfish Permit Byelaw, consolidating existing byelaws and introducing an effort management system for key shellfish fisheries within the district.

The key aims of the byelaw are to consolidate existing byelaw regulations and to introduce an effort management system for commercial potting within the district. The flexible byelaw model proposed has been used successfully by other IFCA's to introduce management measures and provide a mechanism whereby changes to these measures can be implemented, following an appropriate review process, without the need to formally remake the whole byelaw.

The current draft incorporates management measures included within Byelaw XXII - Permit to fish for lobster, crab, velvet crab and whelk (current shellfish permit byelaw) and Byelaw XXVII - Crustacea Conservation Byelaw 2018. The majority of existing management measures have been carried over, with some exceptions.

The common whelk (*Buccinum undatum*) has been included as a target species within the current shellfish permit byelaw since its inception. It is understood, however, that there is no significant whelk fishery within the district, with commercial landings originating from beyond 6 NM. In order to simplify the regulations, particularly in regard to issues surrounding pot construction, definitions and effort limitation as well as the existing escape

gap provisions, it is proposed that this species is removed from the revised byelaw. Members discussed the implication of not including whelk.

On review, the MCRS for edible crab (*Cancer pagurus*) which currently sits within the Crustacea Conservation Byelaw 2018 would be better placed within Byelaw XXXII – Fish, mollusc and crustacea minimum size byelaw. This would require remaking the minimum size byelaw and the benefits of this are not considered substantial enough to warrant the associated additional financial costs. As such, the MCRS of 140mm for edible crab is retained within the new shellfish permit byelaw.

Members discussed the potential impacts of the potting restrictions of 800 pots and track records on the industry and the potential effect for new starters that are coming into fishing. Consultation meetings with the industry across the district will be scheduled before proceeding with creating the byelaw.

1.3.5 *Angling Strategy 2022*

Environmental & Scientific Officer Samira Anand presented the first drafted version of the Recreational Sea Angling (RSA) Strategy explaining that the strategy will hopefully build relations with the Angling Community.

Currently, engagement with the RSA sector occurs on an adhoc basis during NEIFCA officers' routine patrols. Educational notice boards have been placed in popular angling sites around Whitby, which provide information on spatial restrictions, MCRS and catch limits. These are accompanied by line recycling bins and fish measuring boards to encourage the correct disposal of used fishing line and the Environmental & Scientific Officer Samira Anand presented the first drafted version of the Recreational Sea Angling (RSA) Strategy explaining that the strategy will hopefully build relations with the Angling Community.

Currently, engagement with the RSA sector occurs on an adhoc basis during NEIFCA officers' routine patrols. Educational notice boards have been placed in popular angling sites around Whitby, which provide information on spatial restrictions, MCRS and catch limits. These are accompanied by line recycling bins and fish measuring boards to encourage the correct disposal of used fishing line and the accurate measurement and retention of fish. However, these have been targeted by vandals and are in the process of replacement

Members discussed the opportunities within the strategy to utilise current authority members with an angling background.

Environmental & Scientific Officer Samira Anand advised members that the industry will have a designated contact within NEIFCA going forward and Enforcement Officer Daniel Bennett will be instrumental in the implementation of the strategy with his personal knowledge of the industry as a whole.

Contact Officer

David McCandless,
Chief Officer,
Ext. 3690

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Authority Meeting
01 December 2022

Fisheries Statutes and Regulations Prosecutions

Report of the Clerk of the Authority.

A. Purpose of Report

To provide information on prosecutions taken by the Authority during the period 1 May 2022 to 30 November 2022

B. Recommendation

That Members note the report.

1. Background

- 1.1 Information on prosecutions and sanctions taken on behalf of the Authority are submitted to each meeting of member's information.
- 1.2 Attached is a schedule of prosecutions and sanctions covering the period since 1 May 2022.
- 1.3 As an alternative to a prosecution, the Authority can also offer a Financial Administrative Penalty or FAP. The 2011 'Sea Fishing (Penalty Notices) England Order provides the mechanism for the Authority to issue fixed penalties for a range of infringements including breaches of byelaw regulations and national legislation relating to minimum landing sizes. Each offence is categorised to a fixed penalty which can be issued to the skipper and or owner of the respective vessel. The level of penalty issued must exceed the value of the respective catch.
- 1.4 In addition to the formal actions listed in the table, three written warning and advisory letters were sent out to individuals relating to a wide range of other offences.

Contact Officer
David McCandless
Chief Officer
Tel: 07771936501

Name(s)	Offence	Sanction	Court	Date	Fined	Costs Awarded	Costs Requested
Mr M Nugent	Retaining eight undersize and two mutilated lobsters	HOC	N/A	1 November 2022	N/A	N/A	N/A
Mr P Ford	Landing two egg bearing and one mutilated lobster	HOC	N/A	1 November 2022	N/A	N/A	N/A
Mr D Wilkins	Retaining two egg bearing lobsters	HOC	N/A	7 November 2022	N/A	N/A	N/A

HOC – Home Office Caution

FAP – Financial Administrative Penalty

PROS – Formal Prosecution in Court

OCD – Conditional Discharge

Costs Requested – This is the amount that the solicitor requests the defendant to pay. This is equal to reasonable costs and does not usually include administrative time etc - so does not represent the full cost to NEIFCA. The solicitor asks for a reasonable amount to stand any chance of getting costs back.

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Authority Meeting
01 December 2022

Partner Reports

Report of the Chief IFC Officer.

A. **Purpose of Report**

To provide members information on partner organisations activities.

B. **Recommendation**

That Members note the report.

C. **Background**

The Deputy Clerk at the quarterly meeting held in June 2011, suggested that reports are submitted quarterly from partner organisations from the Marine Management Organisation, Natural England and the Environment Agency for consideration at quarterly meetings.

Contact Officer

David McCandless
Chief Inshore Fisheries and Conservation Officer
Ext. 3690

Environment Agency Report for NEIFCA Meeting 1st December

NLO Review

- Following a month-long Environment Agency consultation this spring, the Agency is recommending continued protections for trout and salmon from coastal net fishing in Yorkshire and North East areas
- If confirmed by the Secretary of State for the Environment, a new Net Limitation Order will replace the existing one due to end in December this year
- The Environment Agency's decision is based on considering the available evidence, alongside people's views and balances the needs of conservation with those of the local economy
- The Environment Agency is advertising our proposals online from 20 October 2022 and is inviting all those with an interest to review our proposals and make a response to Defra by 25 November 2022.

The Environment Agency is recommending a continued level of protection for salmon and sea trout in waters off the coast of Yorkshire and North East England.

The Environment Agency has taken into account all available scientific evidence on fish stocks, ~~and~~ the impact of the net fishery on those stocks and listened to people's views in a month long consultation held 17 May to 17 June 2022. The consultation report, a copy of the proposed new NLO, our responses to all the issues raised during this year's earlier consultation, and information on ways to respond to the advertisement can be found here:

<https://consult.environment-agency.gov.uk/north-east/north-east-coast-limitation-of-net-licences-order>

After taking public views into account, the Environment Agency is recommending continued measures for the next ten years, to balance the needs of the environment with those of the net fishery industry in tidal waters from Berwick on Tweed to the mouth of the Humber estuary.

If approved by the Secretary of State, a new ten year Net Limitation Order will replace the existing one when it expires in December this year. It will allow those who already have a licence to continue to fish for trout but no new licences will be granted. As existing licensees retire their licences will not be made available to new entrants to the fishery, and in this way the net fishery will reduce in size over time, but in a way that does not economically impact existing licensees.

This approach gradually increases necessary protections for fish stocks over time, but in a way that also takes account of and minimises the economic impact on fishermen and coastal communities.

Net fishing for salmon will remain illegal due to the vulnerability of the species to exploitation by commercial net fisheries.

The Environment Agency's aim is to return healthy and sustainable salmon and sea trout populations to east coast rivers, while minimising the economic impact of fishing restrictions on local communities.

Salmon and sea trout net fishing in the region has been limited in some way since the 1960's and licenced since 1865. In the years since the first regional Net Limitation Order began in

1992, populations of salmon and sea trout have improved in some areas but remain vulnerable and at risk in others.

Evidence also shows an international decline in wild Atlantic salmon populations with the latest stock assessment report, from the Centre for Environment, Fisheries and Aquaculture Science, the Environment Agency and Natural Resources Wales, showing that 37 of the 42 salmon rivers (88%) in England now categorised as being 'at risk' or 'probably at risk'. Sea trout stocks are also dropping in a number of areas and are under pressure from fishing exploitation as salmon stocks decline.

Salmon and sea trout populations are threatened by changes to their environment throughout their lifecycle caused by climate change and other human activities. The Environment Agency is looking at every stage of the species' journey so that steps can be taken to increase their chances of survival. This includes making river systems more accessible by removing barriers to migration, improving water quality and reducing the exploitation of salmon and sea trout by both net and rod fisheries.

McCains Outfall Scarborough

We have received the final commissioning plan back from Yorkshire Water. We are waiting for head office colleagues to confirm that the urban waste water monitoring within the commissioning plan is acceptable. The permit is then expected to be issued.

Crab/Lobster Mortality

- We continue our routine (Surveillance programme) monthly water quality sampling in the Tees estuary - chemicals, nutrients, dissolved oxygen, chlorophyll, phytoplankton
- We have included a couple of additional water quality monitoring sites in the lower Tees this autumn/winter
- We are also sampling some extra phytoplankton monitoring sites in the coastal waters of Tees Bay (monthly) – in case of autumn phytoplankton blooms
- In autumn, we carried out our annual fish sampling (*Platichthys flesus*) to analyse for contaminants in fish tissue from the Tees Bay (Water Framework)
- We sampled blue mussels in the Tees in the early Spring 2022, analysing for contaminants in the soft tissue. This is an annual programme and will be repeated in Spring 2023
- An external contractor carried out a repeat survey of the intertidal rocky shores at the end of Sept 2022 (a repeat of the Jan 2022 shore survey). He found small shore crabs (born this year) – see summary below.
- Intertidal and subtidal benthic infaunal surveys in the Tees were carried out in 2022 as part of our routine Water Framework monitoring. The results are due back in December 2022.
- We collected benthic infaunal samples from along the impacted coastal area in November 2021. We are looking to get these analysed.

Summary of Intertidal shore survey September 2022 (external contractor)

Monday 26th - Saltburn, Staithes and Runswick Bay.

Found small (less than 22mm carapace width) shore crabs (*Carcinus maenas*) at all three locations with lots of *Pagurus bernhardus* but nothing bigger.

Also found one small specimen of *Necora puber* at Runswick and several *Pisidia longicornis*.

Tuesday 27th - Robin Hoods Bay and Whitby (inside the breakwater - South bank)

Found shore crabs up to 50mm width at Robin Hoods Bay along with abundant *Pagurus bernhardus*.

But at Whitby, whilst there were many small *Carcinus maenas*, nothing bigger than 22mm again. One *Galathea* sp. specimen was found and many *Pagurus bernhardus* and *Pisidia longicornis*.

Wednesday 27th - Hartlepool Headland, Ryhope and South Shields

With respect to shore crabs - nothing larger than 22mm across was found at Hartlepool with abundant *Pagurus bernhardus* and *Palaemon serratus*. Whilst at Ryhope and South Shields *Carcinus* of 35mm width were found as well as hermit crabs, *Pisidia* and prawns.

This would seem to indicate that the major impact zone on the intertidal decapods last autumn was between Ryhope and Whitby. But also that recruitment has occurred as normal this spring and summer.

Mine Water Discharge Durham North

Need clarification of what information is required – suggest we discuss at Board meeting and the information needed can be supplied once this is clarified.

