

## **Kent & Essex Inshore Fisheries and Conservation Authority**

MINUTES of a meeting of the Authority held in the Council Chamber, Gravesham Council, Windmill Street, Gravesend, Kent DA12 1DD on Tuesday 21 November 2023

Present: Cllr J Lamb (Southend City Council), Mr J Rowley (MMO), Mr R Turner (MMO), Mr E Hannam (MMO), Cllr T Hills (KCC), Cllr D Crow-Brown (KCC), Mr W East (MMO), Mr C Collins (MMO), Mrs E Gilson (MMO), Mr A Baker (NE), Mr P Wexham (MMO)

Apologies: Mr J Nichols (MMO), Cllr S Curry (Medway Council), Cllr G Coxshall (Thurrock Council), Cllr A Goggin (ECC), Cllr J Fleming (ECC), Cllr M Skeels (ECC), Ms L Faulkner (EA), Ms S Martin (Financial Advisor, KCC)

In Attendance: Ms L Tricker (KCC), Dr W Wright (Chief Fishery Officer), Mr D Bailey (Assistant Chief IFC Officer), Dr P Haupt (Lead Science Officer), Miss K Stuart (Science Officer), Mrs K Woods (Admin Assistant), Mrs D O'Shea (Office Manager)

By Invitation: Mr A Ovens (Defra), Ms M Canny (MMO), Mr T Smith (AIFCA)

Laid around the table: Agenda item B1 and appendix previously emailed out.

### **25. DECLARATION OF MEMBERS' INTERESTS (A1)**

The Chairman requested Members to declare any interests on the Agenda item prior to it being dealt with and advised that those with a disclosable Pecuniary Interests and Other Significant Interests may not vote on that Agenda item. The Chairman reminded Members that they could declare an interest either at this time or prior to the agenda item being discussed.

Mr Turner declared a personal interest in the cockle fishery as a member of ROFF.

Mrs Gilson declared a pecuniary interest in respect of Agenda item B3.

Cllr Hills advised that his son was a commercial angler.

Mr Collins declared an interest in matters relating to bass stocks due to his involvement in match and recreational angling.

### **26. MINUTES**

Mr Wexham advised that his apologies had not been noted in the minutes. Members agreed that the minutes of the meetings held on 12 September 2023, as amended, were correctly recorded and that they be signed by the Chairman. No matters were arising.

## **27. REVENUE BUDGET MONITORING (B1)**

In the absence of the Financial Advisor, the CFO presented the report to Members. He highlighted that the underspend of £43,706 had been achieved through the receipt of unbudgeted income.

Members **APPROVED** the forecast underspend of £43,706

## **28. 2023 COCKLE FISHERY MANAGEMENT (B2)**

Members were informed that the TECFO fishery had been opened from 2 July 2023 to 6 October 2023, the number of trips had been increased from thirty to thirty-three and that the final TAC had been increased from 4,620 tonnes to 5,082 tonnes as a result of extra trips given on Area 15. This had been a far better fishery than had been expected based on the surveys carried out the previous year. Survival of spat over the winter had been exceptional and the mortality seen in 2022 had not been repeated. There had been fewer instances of extreme temperatures and more rainfall than seen in 2022. Catch rates had been reported as good and yields were above average.

The ACFO stated that surveys had been carried out in September which had found good quantities of spat. The fishery was in a better position than expected, however the spat needed to survive the winter.

In respect of the Permit Fishery, Members were informed that this fishery had been opened between 11 September 2023 and 6 October 2023. Members were reminded that they had requested that it become a small-scale fishery with Category 2 permits only issued and a catch limit of 3 tonnes per trip. Members had approved at their last meeting a TAC of 432 tonnes spread over four trips per vessel. Thirty vessels had held a permit for this fishery and eighteen of them participated. Catches of 3 tonnes were mainly landed, although yields were lower than that found in the TECFO fishery. During the first week a large number of clams were caught with the cockles, although this seemed to not be such an issue in the second week.

Comments had been received from the permit holders that had fished asking that the start time for the 2024 fishery be earlier to make better use of fishing time, as well as to coincide with the cockle processing plants and to allow for cockle fishermen who were not full time to access the fishery.

Beds in the North Kent coast (Area 14) were not opened as they had not been classified. Officers continued to work with Thanet District Council and Cefas to allow this classification to take place for the 2024 fishery. Officer had received contact from the Faversham Oyster Fishery Company (FOFC) with concerns over the lack of clarity in the KEIFCA charts and diagrams regarding their boundaries. KEIFCA officers would engage with the FOFC to establish the boundaries of their private grounds.

Members asked the following questions:

- The number of razor and manilla clams found on the ground were a big problem across the TECFO and the Permit Fishery. Could the IFCA look at some solutions to this issue. Were razor and manilla clams being classed separately? – in response the ACFO stated that this was being looked into, however the main focus of the IFCA in the last two years had been on the replacement of the Regulating Order. There had been an expansion of clams in that timeframe, mainly manila and he agreed there were far more on Areas 6 and 7 than had previously been seen and these were making their way down to the Sands. Officers had been looking at how the Poole Harbour cockle and clam fishery operated to see whether there was any best practice that could be taken from it. Razor clams did not appear to be as prolific on the main beds and should perhaps be looked at separately to manila clams which were being seen in far greater quantities. The increase in sea water temperatures meant that some cold-water species such as native oyster, whelks and cockles were being impacted and that species such as manilla clams were doing very well. These emerging fisheries would be something that the Authority would need to look at in the coming years. Officers were recording the number of clams and their locations when carrying out stock assessments to get an understanding of where they were and any increase in numbers. Officers would be working with partners on twenty-to-thirty-year projections of fisheries with increases in water temperature. This should provide an indication of the fisheries that were likely to emerge and would be brought back to the Authority for discussion.
- Could clams be classified at the same time as cockles in the Permit Fishery – in response the ACFO stated that the issues with water quality in Kent had meant that the Food Standards Agency (FSA) was far more stringent in terms of classification and what they would do at any one time. Officers had requested that the whole of Area 14 was classified, but currently this was not appearing to be possible. The positioning of the monitoring points that the FSA had requested were not in areas where there would be sufficient cockles for classification sampling and if the point was moved to an area where there were sufficient cockles then the FSA had said the area it would cover would be reduced. The proposed classification would cover South Margate Sands and Minnis Bay. Once this classification had been received, Cefas and Thanet District Council had said that with evidence that the South Margate Sands and North Margate Sands were similar then the classification could be combined. Once the cockles were classified then it should be straightforward to include the clams in that classification. The Authority would then need to decide if they wished to differentiate between the

TECFO and Permit Fishery when it came to a clam fishery. Consultation would also need to be held with stakeholders that fished for cockles and those who wished to fish for clams on the same grounds.

- It had been noticed among bait collectors that where marine worms had been taken out, razor clams were moving up the beaches, especially in Sandwich Bay

In response to a question of where the clams were found, the ACFO stated that manila clams appeared to be spreading in the historic cockle grounds including the inter tidal beds. Some razor clams were found inter tidal but there was a change in the abundance and distribution of the species.

Members **NOTED** and **APPROVED** the report

**Mr Anthony Ovens, Senior Policy Advisor with Defra**, spoke to Members over the progress of the new Regulating Order (T24). He advised them that following work carried out with the CFO and ACFO the T24 Order was with Defra's legal team to be drafted and this was expected to be ready for review by the end of the week. Any comments made by legal would then be reviewed with KEIFCA and if necessary any changes made. This would then go forward for statutory consultation.

The Chairman invited Mr Andrew Rattley, on behalf of Thames Estuary Fishermen's Association, to address Members.

Mr Rattley thanked the IFCA for all it had done to get the T24 Order in place ready for 2025. He stated that the Industry had concerns that now the process had moved onto the next stage whether it would be ready in time. He requested that a more definitive timeline was provided by Defra to confirm that the Order would be in place by September 2024.

In response, Mr Ovens stated that he understood and appreciated their concerns and that was one of the reasons that a decision was made to use an external legal source. He saw no reason why a timeline could not be provided and he suggested that an updated one would be provided once the draft Order was provided later that week.

**Mr Tim Smith, Senior Policy Officer with the AIFCA**, provided Members with an update on the work the AIFCA was undertaking on the Cockle Fishery Management Plan (FMP). Defra's ambition was that the Cockle FMP would work alongside long-established regional management regimes and identify national issues that had an impact on and could advance all the English cockle fisheries.

By collating the information and evidence of the cockle fisheries in one place, best practice could be shared and the Cockle FMP could highlight the importance of local cockle fisheries within Defra and wider government. Monitoring and reporting mechanisms for those IFCAs with significant fisheries would be introduced to demonstrate best practice and provide a framework for other IFCA regions to follow should significant new fisheries develop in the future.

Compared to the previous tier of FMPs this FMP document would be more streamlined and the evidence statement would not be included in it.

There were some concerns over Defra's preferred use of maximum sustainable yield (MSY) as an objective which Defra had suggested related to sustainable stocks.

Cockle fisheries were not at a precautionary stage and were more at an adaptive stage.

There was a need to report where fisheries emerged, how were they detected and would they need to be managed. It appeared there was a disparity between the landings reported to IFCAs as apposed to those reported to the MMO.

11:10 Mrs Gilson declared a pecuniary interest and left the meeting

## **29. TECFO LICENCES FOR 2024 FISHERY (B3)**

The ACFO informed Members that 2024 would be the last year of the TECFO 1994 fishery. After this the new T24 Regulating Order would take over management of the 2025 fishery. The licence application process for T24 would begin in April 2024 which was when the TECFO licence applications were usually begun. In order to avoid confusion officers proposed to run the licence application for the 2024 TECFO fishery prior to the end of 2023 which would allow licences to be granted to the 14 licence holders that held a licence in 2023 as was their right under the current Regulating Order. Members would then revisit the question of the granting of additional licences at their meeting in May 2024. With regard to the licence fee, it was proposed and had been discussed with the licence holders that the fee be increased to £7,916

Members **APPROVED** the following:

- i. As was their right. those that held a licence during 2023 under the TECFO 1994 be granted a licence for the coming 2024 season; and
- ii. The licence fee for the TECFO 1994 2024 fishery would increase to £7,916

11:15 Mrs Gilson returned to the meeting

### **30. PROCUREMENT OF A NEW CABIN RIB (B4)**

The ACFO reminded Members that Defra had made £300,000 available to the IFCA which they had agreed at their last meeting should be used to fund a new Cabin RIB. In addition, they had asked that a Technical Panel be set up to consider the technical specifications of the new vessel.

The new vessel would replace the current RIB operated by the IFCA, Vigilant, which was based in Essex. It was proposed that Vigilant be moved to Ramsgate where it could be used to carry out routine enforcement patrols instead of Nerissa. This would allow these patrols to be more resource efficient and use less fuel, cutting the costs of Nerissa's fuel budget and reducing her carbon footprint. This, as well as the technical specifications of the new RIB, were discussed by a Technical Panel of the IFCA on 3 November 2023. Details of the meeting were provided to Members as an appendix to the report.

Members were informed that if they agreed to the recommendations of the Technical Panel then the IFCA would be required to go through a tender process which would need to be completed by the end of the 2023/24 financial year. Officers had begun to talk to the procurement team at Kent County Council and if agreed the tender process would begin on 22 November 2023, with the aim that a Technical Panel would be held prior to the 30 January 2024 meeting to consider who the contract be awarded to with that recommendation put to Members at the 30 January meeting to allow the contract to be awarded. Should the cost of the RIB be more than £300,000 then this would need to come from reserves.

Members **APPROVED** the following:

- i. An application for funding for a new Cabin RIB to replace Vigilant as the primary Essex based enforcement vessel as recommended by the Technical Panel;
- ii. The technical specification of the vessel to be tendered against as recommended by the Technical Panel; and
- iii. The tender process should be undertaken with assistance from Kent County Council.

### **31. KEIFCA VESSEL MANAGEMENT (B5)**

The ACFO informed Members that the Technical Panel had also discussed the issue of funds available to the IFCA to replace assets. The IFCA held insufficient money in its reserves, £698,528 at 31 March 2023, to replace either of the workboats. Tamesis was built in 2011 and at current prices would cost £850,000 to replace. She had had a refit in 2021/22 which, as a result, should allow her to be able to remain in service for another

ten years to 2032. Nerissa was built in 2017 and at current prices would cost £2 million to replace. She would be ten years old in 2027 and a decision would need to be made at that stage to decide if she should be refitted in the same way as Tamesis or be replaced. The cost of the refit was difficult to estimate but would be between £200,000 to £400,000. In 2032 Tamesis would have been in service for 21 years and Nerissa for 15 years. The Technical Panel were asked to consider how these vessels could be replaced at that point.

The Technical Panel had heard that the amounts transferred to the renewal reserves had reduced over recent years due to the need of the IFCA to balance its budget and that in some years no provision had been made for a transfer to be made. Members were advised that the Technical Panel had discussed this in some detail and reflected on the current financial situation of their own Local Authorities. However, the Panel had acknowledged that to be in a position to replace an aging fleet it would be necessary for the IFCA to consider putting more money each year into reserves. The Technical Panel also considered that keeping both catamarans operational for as long as possible would be sensible to allow the renewals reserve to be built up as well as allowing the IFCA to take advantage of any external funding.

Members were advised that the Technical Panel also discussed in more detail the insurance requirements of the IFCA in respect of its vessels. At present the IFCA's vessels were insured in respect of total loss for their purchase price plus 10%. The Technical Panel recommended that the current cover continue, but that this be reconsidered when purchasing other vessels that the IFCA decided to procure.

In response to a question from a Member whether the IFCA could explore with the insurance company for increased cover but not at full cost recovery, the ACFO advised that it could be done, although discussions already held had suggested that valuations would be needed for the vessels which were difficult to obtain for Nerissa.

Members **APPROVED** the following:

- i. The recommendation of the Technical Panel to put as much money as possible into the renewals reserves each year for future fleet replacement;
- ii. The recommendation of the Technical Panel to continue with the level of insurance cover already in place for existing vessels but to consider the option of full cost replacement insurance for the new cabin RIB at the time of bringing her into operation; and
- iii. To look into additional insurance to increase the amount of cover, but not full cost recovery.

**Ms Marie Canny, Marine Planner with the MMO** provided Members with a presentation on the South East Marine Plan. Members were advised that the Marine Plan for the South East covered from Felixstowe to Folkestone, including the tidal element of the Thames and was reviewed every three years. The SE Marine Plan was up for review in 2024 as required by the Secretary of State. The MMO were beginning to start this review – a statement of public participation – and would provide dates of when this would begin to the IFCA when this would begin.

### **32. MARINE PROTECTED AREA UPDATE (B6)**

Members received a presentation from the SCO on the work undertaken by the IFCA in developing fisheries management measures in the Dover to Deal, Swanscombe and Goodwin Sands Marine Conservation Zones (MCZ). These MCZs were designated in 2019 as part of Tranche 3 and once management was put in place would end the MCZ project within the Kent & Essex district.

Dover to Deal MCZ was a small area in which 16 species, including native oyster, blue mussel and reef worm and habitats which included chalk reef were named as protected. Several were designated as not in a favourable condition and this site would therefore require management.

Swanscombe MCZ again was a small site which was designated for intertidal mud and the very rare tentacled lagoon worm. This site would also require management.

Goodwin Sands MCZ was the largest of the sites and straddled the IFCA limits with the MMO having responsibility for the 6 to 12nm area. Management was required for this MCZ and the IFCA was working closely with the MMO to ensure consistency. The inshore part of the MCZ was dominated by mobile, dynamic sand banks, designated for these and ross worm reefs. Members were informed that ross worm reefs were structurally complex reefs which were an important nursery and feeding ground for many species. The IFCA had undertaken evidence gathering over the last three years on the reefs and had worked with Natural England to provide this evidence in a format that allowed it to be used by them in their marine evidence base. Work had also been undertaken with the Goodwin Sands Conservation Trust to map the location of shipwrecks on the site and with local fishermen to understand the fishing intensity throughout the MCZ. It would appear that the offshore element of the MCZ was heavily trawled, however the inside was lightly fished.

Options for management of the MCZs would be developed for formal stakeholder consultation in February 2024, in line with the public release of MMO management decisions for the Goodwin Sands MCZ. It was likely that these would be restriction of bottom towed gear. The final byelaw and impact assessment would be presented to the Authority in the May 2024 meeting.



Members made the following comments:

- Pleased to see the tentacle lagoon worm at Swanscombe. Just below the MCZ area was Tilbury where the sea wall was breached and landfilled ten years ago. This was the responsibility of Essex CC and Thurrock Council to resolve and it was important that the repairs were carried out – in response the CFO stated that it would be sensible to look at the issue as the area would include that site. It would be included as a topic in the consultation for the MCZ.
- Had the IFCA spoken to anglers about what they caught on the Goodwin Sands – in response the CFO advised that the management measures would focus on interaction with bottom towed gear so angling activities would not be restricted. However, it would be useful to work with the angling community to gain an understanding of what was caught in that area.
- The limitation of the UK's MCZ process was that it was very feature based. There were other things that might want to be considered to be protected.

Members **NOTED** the report

### **33. NORTH KENT COAST WHELK MORTLITY EVENT MONITORING UPDATE (B7)**

Members were reminded that it has been reported to them at previous meetings of significant whelk mortality events that had taken place in the late summer of 2022 and that Officers had initiated a project with fishermen to try to understand what and why this had happened. The MP for Whitstable had also been involved in discussions and a meeting was due to be held with her, DEFRA and fishermen on 29 November to discuss findings.

As part of this project, in May 2023, the IFCA and fishermen at Whitstable began a mark-and-recapture programme to monitor the whelk population and water temperature over the summer at two locations in Whitstable, core of the affected area and Margate, at the edge of the affected area, known as Area 2. Two strings of five pots were set at the two sites on two occasions. Two whelks were caught at Whitstable and 3669 from Margate. Members were advised that officers had estimated that the number of whelks at the Margate site were 18,640, however there were not enough whelks at the Whitstable site to be able to estimate abundance. Members were informed that there was some anecdotal evidence that whelks in the area were returning.

Water temperature at the seabed had been measured since May 2023. The LSCO informed Members that at 20°C catches went down as whelks did not cope at these temperatures. Water temperatures as high as 22°C, which was the thermal threshold for the species, had been recorded during June 2023 and in late August 2023, with temperatures of 18-19°C for most of July and August 2023.

In 2022 there had been 63 days where the sea surface water temperature exceeded 20°C. Average summer temperature in 2023 had been cooler than in 2022 although still warmer than the long-term average summer temperature. Temperatures had markedly increased since 2017 and the duration of the higher temperatures was longer.

The LSCO informed Members that the reported whelk catches in this area had been substantially below average throughout 2023. It also appeared that there had been a shift away from high catches made off the Isle of Sheppey.

In conclusion, the LSCO stated that :

Catches and mark-recapture data showed that whelk abundance in Area 2 was still below average in 2023.

No reports from fishermen of similar moribund or dead whelks in pots had been received to date for 2023. However it would not be until December or January that there would be certainty as to how whelk populations had responded over the course of the 2023 summer.

The whelk population appeared to have started re-establishing itself in 2023 in Area 2: Fishermen avoided the area where the mortality event had occurred, however whelks had been recorded in patches near the Isle of Sheppey and near the Kentish Flats windfarm by officers and had been substantiated by local fishers.

A sustained population abundance had been recorded at the edge of the affected area: This suggested that the whelk population may have been less severely affected here than the population near the core of the incident. Whelks moved at a maximum of 50m per day. At the edge of the affected area they may have had more opportunity to move away to deeper colder waters during the event and could subsequently have returned.

Local fishers had recently started fishing areas in the edge of the affected area and had said that while catches were not as good as they had been, some patches were worth fishing again.

High water temperatures had been recorded in the summer of 2023, but they were not sustained for the same long periods as in 2022. There were 24 days in total at or above 20° C in 2023 compared to 2022 where there were 63 days at or above 20° C. The slightly cooler water temperatures experienced in 2023 may have meant that whelks avoided chronic thermal stress this summer.

Members were advised that the mark-recapture study and water temperature recording would continue to take place. In addition, officers would collaborate with Essex University to assess thermal tolerance in whelks. The IFCA had also agreed to participate in a DEFRA led project called the Coastal Health Livelihoods Programme which would allow early detection, a response strategy and prediction of events such as this in the future.

Members made the following comments:

- Because of the lack of whelks at Whitstable, industry is trying to turn to different fisheries. The IFCA needed to support these other fisheries and look at what was emerging.
- The colder temperatures seemed to be getting earlier each year. Codling had been caught since July in decent numbers, but when you got to January there would be nothing. There appeared to be more prawn, shrimp and smaller crab. There had been some effluent released around this time. – in response the LSCO said that he had discussed water quality issues with the EA. The IFCA was not discounting this as a concern, however it was difficult to relate it to the disappearance of whelks off Whitstable. The magnitude of the sewage discharge to allow that to happen would be enormous and whelks would not have been the first or only thing to have been affected.

Members **NOTED** the report

### **34. FISHERIES MANAGEMENT PLAN (FMP) UPDATE (B8)**

The CFO informed Members that six FMPs had been published by DEFRA and had just finished their 12-week public consultation phase. KEIFCA had responded to the consultations based on the comments made by Members at their last meeting. The IFCA had also worked with the AIFCAs to run a project to engage IFCA members at a national level on two of the FMPs; crab & lobster and whelks and had responded to DEFRA with the outcomes of a two day workshop and video evidence.

The CFO advised Members that a further five FMPs were due to be published by the end of 2024. These were, cockles, southern North Sea and Channel skates and rays, southern North Sea demersal non quota species, North Sea and Channel sprat and queen scallop.

Members **NOTED** the report.

### **35. ANNUAL REPORT (B9)**

The ACIFCO reminded Members that they had previously received a draft copy of the Annual report by email.

Members **APPROVED** the Annual report for 2022-2023

### **36. MATTERS FOR REPORT (C1-C6)**

Members received:

- Quarterly Report of the Kent IFCO (C1)
- Quarterly Report of the Essex IFCO (C2)
- Quarterly Report of the Patrol Vessel 'Tamesis' and 'Vigilant'(C3)
- Quarterly Report of the Patrol Vessel 'Nerissa' (C4)
- Sea Angling Report (C5)
- Enforcement Report (C6)

Meeting ended 13:20