

Kent & Essex Inshore Fisheries and Conservation Authority

MINUTES of an extraordinary meeting of the Authority held in the Council Chamber, Chelmsford City Council, Duke Street, Chelmsford, Essex on Friday 22 March 2024

Present: Cllr J Lamb (Southend City Council), Mr J Nichols (MMO), Cllr A Goggin (ECC), Cllr J Fleming (ECC), Cllr M Skeels (ECC), Mr W East (MMO), Mrs E Gilson (MMO), Mr P Wexham (MMO), Ms T Ferry (MMO), Cllr D Crow-Brown (KCC)

Apologies: Cllr S Curry (Medway Council), Ms L Faulkner (EA), Mr R Turner (MMO), Mr E Hannam (MMO), Cllr T Hills (KCC), Mr A Baker (NE), Cllr G Coxshall (Thurrock Council)

In Attendance: Mr J Cook (KCC), Ms S Martin (Financial Advisor, KCC), Dr W Wright (Chief Fishery Officer), Dr P Haupt (Lead Science Officer), Ms K Stuart (Science Officer), Mrs K Woods (Admin Assistant), Mrs D O'Shea (Office Manager)

The Chairman informed Members an amended version of Agenda item B1 had been emailed out to Members on 14 March and a hard copy laid around the table. They were reminded that the amended version was the one they should refer to in the meeting.

47. 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.

48. MINUTES (A2)

The date for when the IFCA had begun working with local fishers in respect of razor clams should be changed from 2001 to 2021. Members agreed that the minutes of the meetings held on 30 January 2024, as amended, were correctly recorded and that they be signed by the Chairman. No matters were arising.

Exempt items

10:05 MOTION TO EXCLUDE PRESS AND PUBLIC EXEMPT ITEMS

That under Section 100A of the Local Government Act 1972 that the public be excluded for the following business on the grounds that it involves the likely

disclosure of exempt information as defined in paragraphs 3, 4 and 5 of Part 1 of Schedule 12A of the Act.

Members received a presentation on the process for procurement of a new cabin RIB and an explanation of the tender evaluation from the ACFO.

10:35 Cllr Fleming joined the meeting.

10:55 Exempt meeting ended, and public meeting began.

49. PROCUREMENT OF NEW CABIN RIB (B1)

Members were reminded that Defra had made a funding stream available to IFCA's for replacement of vessels. KEIFCA had bid for and been allocated £300,000 for the procurement of a new cabin RIB to be ordered within the 2023/24 financial year. It was intended that the new RIB would replace Vigilant in Essex as the primary enforcement vessel and that Vigilant would be transferred to Ramsgate. A Technical Panel had met on 3 November 2023 and had recommended the specification that would be required which Members had approved at their 21 November 2023 meeting. As required by Standing Orders, Kent County Council's procurement team began the tender process on 29 January 2024 for one month with all documents published on the KCC ProContract system which resulted in two responses received.

The ACFO confirmed that these applications had been evaluated and at a moderation meeting held with KCC, officers scored the proposals. This process and scoring had been subject to discussion with the Chairman and Vice Chairman.

Members were informed that Supplier One had been awarded a lower score than Supplier Two and it had been concluded that Supplier Two should be awarded the contract subject to budgetary approval and the agreement of Members.

Members were advised that a surveyor would need to be appointed to oversee the build and that it was proposed that an additional £100,000 plus a 10% contingency fund be allocated from reserves to cover that cost in addition to the amount over the CDEL funding from Defra that was required to cover the cost of the build.

The ACFO stated that Defra had confirmed that funding had been allocated to IFCA's subject to a business case. Should Members agree the proposed supplier then this would be submitted.

Members **APPROVED** the following recommendations:

- i. Award the tender to Supplier Two subject to confirmation of CDEL funds being received from Defra;
- ii. The use of approximately £100,000 of KEIFCA renewals reserves to add to the Defra CDEL funding to complete the build of the vessel as specified; and
- iii. A contingency fund of £40,000 to be allocated as necessary.

The Chairman agreed with a proposal from a Member that a formal launch be held for the new RIB to be held at Brightlingsea, which as a Cinque Port would be pleased to be involved.

11:10am Ms Martin left

50. MARINE PROTECTED AREA UPDATE (B2)

The SCO provided Members with a presentation on the work that had been undertaken on the development of fisheries management measures for Dover to Deal, Goodwin Sands and Swanscombe 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. KEIFCA had no recorded sightings of trawling activity in the area and potting and netting did not occur at this site in high enough intensity to affect the site. It was not considered necessary at this time for these fisheries to be restricted for potting and netting.

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. There had been no recorded sightings of commercial fishing activity in the area.

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 with no recorded sightings of bottom towed gear within the site. Other gear types used within the site did not occur at this time in high enough intensities for the conservation objectives of the site to be hindered.

For each of these MCZs it was considered that the use of bottom towed gear should be banned and that it would be sensible to remake the Bottom Towed Fishing Gear (Prohibited Areas) Byelaw 2017 to include all three MCZs

The SCO informed Members that officers had visited fishermen and local ports within the Dover to Deal and the Goodwin Sands MCZs to discuss this proposal as part of a pre-consultation. Most fishermen were concerned only with static gear management in the areas and did not express any issues with the proposal to ban bottom towed gear. Officers visited the site of Swanscombe MCZ. This section of the river was used mainly by commercial marine traffic and there appeared to be no obvious stakeholders that would be affected by the proposal.

Members discussed the proposed management measures and made the following comments:

- Supported the idea of consolidating the EA byelaw, however, was uncomfortable at the process for Swanscombe MCZ. No fishing took place there aside for scientific purposes and for eels. Was it justified to ban bottom towed fishing if there was no fishing taking place – in response the CFO stated that this was an issue that had been considered in detail to see if the management was proportionate. It had been difficult to pre-consult, although any statutory consultation would be wider. It was felt that introducing this management would fall under the principle of rationalising and simplifying existing legislation. The CFO agreed to engage with Port of London Authority and Thames Estuary Partnership in any pre consultation actions and to focus the statutory consultation with them.
- Thanked the IFCA for engaging with local fishermen. However it should be noted that these fishermen would continue to be affected by the building of the windfarms. The IFCA could make byelaws to protect the grounds from fishing effort but not from aggregate dredging. Once the Crown licenced these activities there was no protection at all.

Members **AGREED** that the options provided be developed into a draft byelaw to be presented at the 22 May 2024 meeting.

51. SMALL SCALE MANILA CLAM TRIAL OUTLINE (B3)

Members were advised that in the last five to ten years there had been an increase in the number of manila clams found in the Thames and Essex coast, with a smaller increase in Kent. Manila clams were found in similar areas to cockles and their numbers had been recorded by the IFCA as part of the cockle surveys since 2018. These were seen as a valuable commercial species and recently there had been a lot of interest and press on the potential of a fishery in the district.

The CFO reminded Members that the cockle fishery was the underlying fishery in the area where the clams could be found. The new cockle fishery management was in the

process of being consulted on and this would end on 28 March 2024. It was hoped that this new Regulating Order would be made within this Parliamentary session.

It was important to understand the impact and economic potential of different types of harvesting gear and operations before legislation was developed to regulate a manila clam fishery, especially as the clams were found within MPAs. It was felt sensible to start a small scale trial to allow data to be gathered to help inform an MPA assessment for Natural England (NE). NE had stated that as a condition of allowing a trial to go ahead they would want no more than five boats to take part in a distinct area and for a set number of trips. Operators would be able to sell their catch but would need to provide a wide range of information and data to the IFCA.

The CFO informed Members that spring surveys would be undertaken as normal. Papers would be provided to them at their May meeting with proposed management for the 2024 cockle fishery and would also include a paper which gave greater detail on the manila clam trial. If Members agreed it was proposed to contact the Industry and ask for expressions of interest in undertaking a trial fishery. The CFO advised Members that it was expected that the trial fishery would open in October. This would allow operators to apply for grants for any equipment they might need to invest in.

Members made the following comments:

- This was an opportunity for a new fishery to be developed and should be embraced, however it was important that we should be able to minimise any damage to the site.
- There was considerable interest in this fishery. It was important to carry out the stock assessments and keep control of access to it. Manila clams needed to be harvested to thin them out and stop them impacting on cockles.
- How long had Poole Harbour clams been marked with Waitrose – in response the CFO stated that this had been for at least three to four years and that they also had MSC accreditation.
- Officers had visited Poole a number of years ago to look at the equipment used to fish for cockles and clams. It would be useful for a member of the cockle industry to work with local fishermen to allow a middle ground for a fishery to develop. Manila clams had a higher value than cockles.
- If it was known where the clams were then bring the fishery forward and allow more time to fish it and issue permits as soon as possible to enable fishermen to earn a living.
- Really supported the initiative and would wish it be kept as local as possible. Area 7 was quite a distance from Whitstable and Ramsgate. How would this be promoted to the inshore fleet – in response the CFO stated that there were small patches of manila clams on the Kent side, but that for the trial it was necessary that commercial densities were identified. It was known that there were high densities in Area 7.

Members **APPROVED** the setting up of a manila clam trial fishery pending a final decision at the 22 May 2024 meeting.

52. STANDING ORDERS (B4)

The CFO requested that Members consider amending their Standing Orders to allow the election of the Chairman and Vice Chairman from any one of the Local Councils or General Members.

The Clerk to the IFCA informed Members that from a governance perspective the proposed change was acceptable.

Members voted on this proposal.

The vote was carried in favour of Standing Orders to be amended to read:

3.2 The Chairman and Vice Chairman will be elected from one of the Constituent Local Councils or from the general members.

12:40 Meeting ended