



Agenda Item No. B3

Success Criteria: 2, 3, 4, 5 & 6

By: Chief IFC Officer

To: Kent and Essex Inshore Fisheries and Conservation Authority – 22 January 2015

Subject: **HYTHE BAY AND FOLKESTONE POMERANIA BYELAWS**

Classification Unrestricted

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Summary: to update Members on the progress of the proposed byelaws for Hythe Bay and Folkestone Pomerania

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## **Background**

Following an MPA working group meeting and the subsequent discussion at the last IFCA quarterly meeting the Authority agreed for officers to draft a permit byelaw for Hythe Bay and the accompanying management plan as well as draft a bottom towed gear byelaw for Folkestone Pomerania. The meeting also requested that officers should make best efforts, working collaboratively with stakeholders, to put final versions of these byelaws to the Authority for the January 2015 meeting. KEIFCA officers have worked closely with the MMO byelaw and legal team to deliver the draft legislation for the January meeting and to try and make the byelaw wording as straight forward as possible.

## **Hythe Bay**

### Byelaw wording

Since the last meeting officers have been working with the MMO byelaw team and their legal team to agree the wording of the byelaw (Appendix 1). This process has taken quite a lot of time, especially on discussions regarding specific wording and extent of flexible measures. On 13<sup>th</sup> January the wording of the byelaw was discussed with members of the local Folkestone fishing industry. In general, after an initial reading the wording of the byelaw was supported. However, due to the relatively tight time scales to get paper to press the industry were encouraged to contact or write to the Authority with any specific

comments on the byelaw wording. The major concern of the industry was the cost of the electronic vessel monitoring system. Other IFCA districts like Devon and Severn IFCA have looked to offset these costs from industry by applying for grant funding and match funding from other sources. It is suggested that KEIFCA make similar efforts to offset the cost to industry and help the industry in this way.

Following the MPA working group Hythe Bay research meeting held on 14<sup>th</sup> November 2014 CEFAS have been in contact with Defra regarding planning research for the site. KEIFCA officers have also followed up this work stream with Defra and are awaiting further discussions and direction.

### Management plan

Within the byelaw system, management plans can be used to add detail and background to how specific complex decisions can be made. KEIFCA have used this mechanism in its cockle permit fishery byelaw to explain how the more detailed mechanics of the decision making process of the fishery works. Management plans are a lot more flexible than byelaws and can be relatively easily re-written and adopted by the Authority.

The bones of a draft management plan has been developed for the Hythe Bay site (Appendix 2), and it is the intention that a more detailed management plan would be developed over the next few years in collaboration with stakeholders.

## **Folkestone Pomerania**

### Byelaw wording

In an effort to make it simpler and straight forward for fishermen it is suggested that all the areas banning the use of bottom towed gear in the district should be under one byelaw. Developing such a byelaw allows the bottom towed gear fishing industry at a glance to know where they can and can't use their gear. Developing such a byelaw inevitably means that it will be periodically reviewed and probably remade as more marine protected area are designated or new evidence or research is developed.

Although this makes it simpler to the user it does make it more complicated to write and read the accompanying impact assessment as the byelaw compiles the evidence and rational used to provide protection for a range of different features in a number of different European Marine Sites and Marine Conservation Zones. Taking forward the principle of periodically reviewing the bottom towed gear banning byelaw is especially useful for the Folkestone Pomerania site as Natural England have indicated that they are developing more detailed conservation advice for this site. Making the byelaw now, and then reviewing the management measures once the Tranche 2 MCZ site have been designated, allows the Authority to show it is working in a proportionate manner based on the best available evidence at the time.

The wording of the byelaw has been developed taking on board advice and minor changes from the MMO byelaw team Appendix 3.

### **Recommendations**

In an effort to try and respond to the requests of both the local industry and the conservation organisations to develop and bring in this legislation as soon as possible, it is proposed to hold an extraordinary Authority meeting to make the Hythe Bay permit bylaw and the bottom towed gear revised byelaw (including Folkestone Pomerania) either in late February or early March 2015. In an effort to best coordinate members' time it is proposed to have the meeting on the same day but after the Bass technical panel meeting.