

**NOTES** of a Technical Panel meeting of the **KENT AND ESSEX INSHORE FISHERIES AND CONSERVATION AUTHORITY** held in the Kent Room, Gravesham Borough Council, Civic Centre, Windmill Street, Gravesend, Kent on 27 July 2015 at 11am

**Present:** Cllr J Lamb (Southend BC), Mr J Nichols (MMO), Mr A Rattley (MMO), Mr P Wexham (MMO), Dr L Fonseca (MMO), Cllr A Wood (Essex CC), Cllr P Channer (Essex CC), Cllr H Tejan (Medway Council), Cllr S Liddiard (Thurrock Council), Ms S Allison (MMO), Ms B Chapman (MMO), Mr E Hannam (MMO), Ms I Chudleigh (NE)

**In Attendance:** Mr P Wickenden (Clerk), Dr W Wright (CIFCO), Mr D Bailey (ACIFCO), Mr T Clegg (IFCO), Mrs D O'Shea (Office Manager)

**Also Present:** Mr S Thompson (Research Officer, Eastern IFCA), Mr P Haslam (Chief Fishery Officer, Eastern IFCA), Mr T Pinborough (Eastern IFCA MMO appointee), Mr J Towns (Defra), Mr G Lott (Defra), Mr L Roskilly, Mr M Sharp

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The meeting opened at 11.10am, allowing time for Members to arrive due to traffic problems.

In May 2015 it was agreed that Defra, with IFCA support, would conduct a review of bass nursery areas (BNAs) legislation. The objective of the review was to evaluate Defra's effectiveness in protecting juvenile bass and to determine the costs and benefits to any changes Defra might conclude should be made. The first stage of this work was to gather IFCA information and evidence on the current management of BNAs to inform a collective view of the changes required and for us to develop an impact assessment. The KEIFCA technical panel, with input from Eastern IFCA would help facilitate this initial scoping discussion.

Defra had developed a short background brief and a questionnaire for this project (provided to Members with their papers). Once Defra had evaluated the relative data and produced an impact assessment they intended to, subject to Ministerial and Cabinet Office agreement, consult widely with stakeholders on the proposed measures which Defra hoped would take place at the earliest in January 2016.

The Panel would then discuss the wording of a byelaw for the River Medway

**Declaration of Interests:**

Ms Bryony Chapman declared a personal interest as an employee of Kent Wildlife Trust

Dr Leila Fonseca declared a personal interest as an employee of Defra

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Documents were laid around the table:

- Draft Medway Nursery Area byelaw (emailed to Members on 22 July)
- Impact assessment – Medway Nursery Area byelaw( emailed to Members on 22 July)

**B1 Review of Bass Nursery Areas**  
**Key Points considered by the meeting**

The Panel were provided with a presentation by the Chief Fishery Officer providing an overview on the issue of the depletion of bass stocks. They were advised that ICES had recommended an 80% reduction in fishing effort and that a range of management measures had come in at an EU level. There were three levels of management to consider:

- EU
- National
- Regional; with the IFCA being the regional level.

Since the Authority meeting in May 2015 three different legislative measures had been introduced:

- Three bag limit for recreational fishing
- Catch limits for the commercial fleet, varying depending on gear type
- Increase in minimum landing size (MLS) from 36cm to 42cm from 1 September 2015

The Panel were reminded that the IFCA's forte was in regional management and nursery areas, in which progress had been made since the last IFCA meeting.

The SI in respect of bass nursery areas was quite old and needed to be reviewed. At the last IFCA meeting Members were advised of ten sites based on key estuaries which could be reviewed to see if they had the potential to be effective bass nursery areas. Since then Defra had met with IFCA's as they were interested in reviewing this legislation. It was now necessary for the IFCA's to work with Defra to establish their ideas and recommendations on the best management measures to introduce, who should lead on these matters and the timescales involved.

Dr Fonseca provided an update on the Seabass Project. Fifty nine data storage tags had been deployed on the Western Channel and forty five on the East coast, around the Lowestoft area from which it was hoped to obtain information on movement and spawning aggregations. This information could be provided to IFCA's.

Mr Haslam (Chief Eastern IFCA) advised the Panel that when the original SI was introduced there were no bass fisheries in his district. They now have a burgeoning bass fishery. Over the last nine years the increase in sea temperature had promoted nurseries in every inlet within the district. In January 2015, using the ICES advice, Eastern IFCA had decided to introduce byelaws to regulate bass, however since the introduction of EU regulatory measures they would now be supporting Defra to put in place nursery areas.

Mr Thompson (Eastern IFCA) provided the Panel with a presentation looking at bass fishery within their district. This was seen as an important species both commercially and recreationally to them. They had no designated bass nursery areas under the existing SI although their own surveys had identified numerous areas around the coast where they were located, mostly congregated in the south of their district and mainly in the estuaries from the mouth to the freshwater limit. More surveys were planned in targeted areas and by questionnaires, similar to that suggested by Kent & Essex IFCA. Bass nursery areas were required in addition to the new legislative measures. These nursery areas would also protect other species.

In respect of the review of the SI, Defra advised that they needed to have all responses to their request for a call for evidence provided to them by 22 August 2015. From this they would compile a report which would be shared with all IFCAs and then go out for consultation following this in December 2015, with the report from this put before Parliament in late 2016. At the time the questionnaire was devised it was intended for IFCAs only to respond with the evidence that they held, however following discussion with the IFCAs they were happy for the questionnaire to be made available to different people within the community. Defra were expecting input from IFCAs to say that a particular area could be a Bass Nursery Area or whether an existing one had expanded or disappeared. All responses to the call for evidence would need to be sent directly to Defra. The Chief Officer advised the Panel that the vast majority of the answers required by the questionnaire were available from data held by the Environment Agency.

The Panel discussed this matter and made the following pertinent comments:

- The management measures that had been introduced by the EU since January 2015 were emergency measures which were due to end on 31 December 2015
- The latest ICES report had suggested that a 95% reduction in catch was required.
- The research strategy of the IFCA was coming to an end in 2015. Effort should be made to look at progressing this beyond 2015, inviting people to contribute fully costed projects to it and inviting partners to help to obtain the best value for money.
- Although most male fish sexually matured at 40cm, only 50% of the female population did so at 42cm. To guarantee female bass had spawned it would be necessary to increase the MLS to between 45cm and 48cm.
- Fish between 36cm and 42cm had a tendency to "wander" in and out of estuaries. It may be prudent to factor this in and add a safe zone on the entrance to an Estuary otherwise the benefit of a nursery area could be wiped out
- Pre-spawners could be very vulnerable within the outer estuary reaches. The most recent evidence written in 2004 suggested that of the 3 to 5 year group about 1/3 leave their estuaries. This may be information that needed to be updated. The Sea Bass project may be able to give that updated information using the new tags that had been deployed. Until this evidence was updated the 2004 research should be considered when making decisions
- Education of the need for Bass Nursery Areas was essential. The community needed to understand why they were necessary

### Recommendations

The Panel made the following recommendations:

1. Until further data was available or updated then that which was available should be taken into account;
2. The IFCA should consider the findings of the Sea Bass project when available;
3. The call for evidence questionnaire should be sent out to the wider community for their input;
4. Kent & Essex IFCA would complete the questionnaire for return to Defra; and

5. The IFCA should continue to be involved in the development of the new SI with Defra

12:50 to 13:30 lunch

Mr Haslam, Mr Thompson and Mr Pinborough left the meeting

## **B2 Discuss and agree the wording of a Medway Nursery Area Byelaw** **Key points considered by the meeting**

The Panel were reminded that at the last IFCA meeting Members had agreed to draft a byelaw to protect an area within the River Medway from all types of fishing in order to establish a nursery area for all marine life. As instructed officers had spoken with the local community about the idea for this nursery area and had received local support from anglers and charter boat owners as a result. A public meeting had also been held on 21 July, which was positive in its support for this to take place. Of those who had been spoken to good enforcement was seen as a key component of the byelaw.

Nursery areas were important for a lot of other species aside from bass. Small fish tended to feed in the inter-tidal area and sheltered in the saltmarsh area. If the area was protected then all species would gain equal benefit and the eco system as a whole would also gain protection.

The idea for this was based on a large evidence base. The Environment Agency had been sampling the river under the Water Framework Directive since 1999. This had resulted in 16 years' worth of data along the river. ROFF were also involved this year in the data sampling and as a result fishermen came along and became involved.

The River is already designated as a RAMSAR site, protected by the EU for birds, parts of it are a MCZ and as a SSSI.

The byelaw is in response to discussions with ROFF, their fishermen and charter boat fishermen who were very positive to the benefits of it. They saw the area as a low impact site which they could agree not to fish in. The idea for the site had arisen from local people coming together and agreeing it was a good idea.

Three work streams that had come from these discussions were enforcement, education and surveying. ROFF had 6 water bailiffs that worked on the River with discussions having taken place with them in respect of signing a memorandum of understanding to become a joint enforcement team. ROFF had contacts with the yachts and motor boats on the River from which they could receive information to pass on and we could then put our resources to best use. Fishermen were happy to feed in information to the project with regard to surveying.

The byelaw was specific in that it banned any fishing in that part of the Medway, banned the procession of un-stowed fishing gear and reasoned that if a sea fish was found to be in the procession of a person in that area that it would be deemed to have been taken from that area. This deeming clause was a way of addressing illegal fishing within the area and was felt important by the community to have in place.

The wording for the Impact Assessment and Byelaw had been put together and sent to MMO for review. They had now come back with some minor adjustments that they required with the byelaw wording now with the MMO's legal team. Should the Panel be satisfied with the wording of the byelaw and Impact Assessment then the matter would be put before the next Authority meeting on 4 September for them to approve its making.

The Panel discussed this matter and made the following pertinent comments:

- Mollusc and bivalves were listed separately. They should be together
- There were concerns whether the deeming clause would be allowed to remain in the byelaw as other IFCA's had had problems with its use.

#### Recommendations

The Panel made the following recommendations:

- The wording of the byelaw be approved
- The wording of the Impact Assessment, subject to suggested changes to be made direct to officers, be approved. These changes to be made clear to Members

14:00 Meeting ended